

**EAST CONTRA COSTA COUNTY  
HABITAT CONSERVANCY**

**DATE:** April 26, 2021  
**TO:** Governing Board  
**FROM:** Conservancy Staff  
**SUBJECT:** **Governing Board Meeting Records for February 22, 2021 and March 29, 2021**

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**RECOMMENDATION**

**APPROVE the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board meetings of February 22, 2021 and March 29, 2021.**

**DISCUSSION**

Please find the draft meeting records attached.

CONTINUED ON ATTACHMENT: <u>Yes</u>		
ACTION OF BOARD ON: <u>April 26, 2021</u>	APPROVED AS RECOMMENDED: <u>See below.</u>	
OTHER: <u>Both meeting records were approved with an edit.</u>		
<b><u>VOTE OF BOARD MEMBERS</u></b>		
<u>X</u> UNANIMOUS		
AYES: <u>Bryant, Burgis, Pope and Wolfe</u>	I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MEETING RECORD OF THE CONSERVANCY GOVERNING BOARD ON THE DATE SHOWN.  ATTESTED _____ <i>John Kopchik, SECRETARY OF THE EAST CONTRA COSTA COUNTY          HABITAT CONSERVANCY</i>  BY: <u>Abigail Fateman</u> , DEPUTY	
NOES: <u>None</u>		
ABSENT: <u>Banales</u>		
ABSTAIN: <u>None</u>		

# Draft Meeting Record

East Contra Costa County Habitat Conservancy

Monday, March 29, 2021

2:00 p.m.

(remote meeting)

**1) The Governing Board convened the meeting at 2:05.**

**2) Introductions.**

***Governing Board members in attendance were:***

Joel Bryant	Mayor, City of Brentwood
Diane Burgis	Contra Costa County Board of Supervisors
Carl “CW” Wolfe	City Council, City of Clayton
Randy Pope	City Council, City of Oakley
Juan Antonio Banales	City Council, City of Pittsburg

***Conservancy staff and consultants in attendance were:***

Abigail Fateman	Conservancy Executive Director
John Kopchik	Conservancy Secretary
Joanne Chiu	Conservancy Staff
Allison Cloney	Conservancy Staff

***Other attendees (who were present on the video meeting or spoke on an item):***

Juan Pablo Galván Martínez	Save Mount Diablo
Aaron Halimi	Renewable Properties
Brian Madigan	Renewable Properties
Stephanie Loucas	Renewable Properties
Peter Brydon	Renewable Properties

**3) Public Comment on items that are not on the agenda.**

There were no public comments.

**4) Consider AUTHORIZING staff to execute the Solar Energy Facilities Fee Agreement Between East Contra Costa County Habitat Conservancy and RPCA Solar 3, LLC.**

Ms. Chiu provided an overview of Renewable Properties’ Byron Highway Solar Project and the purpose of the fee agreement. Ms. Chiu detailed how permitting the project is in compliance with the Conservancy’s policy regarding permitting of solar energy facilities outside the urban development area. Juan Pablo Galván Martínez, representing Save Mount Diablo (SMD), commented on the item. He supported the placement of solar facilities within the County’s solar overlay area and indicated that SMD thought it was important that these types of projects fully mitigate consistent with the HCP/NCCP. The item was approved as recommended by staff. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

**5) Adjourn. The next regular Governing Board meeting is Monday, April 26, 2021 at 2 p.m.**

# Draft Meeting Record

East Contra Costa County Habitat Conservancy

Monday, February 22, 2021

2:00 p.m.

(remote meeting)

- 1) **The Governing Board convened the meeting at 2:01p.m.**
- 2) **Introductions.**

***Governing Board members in attendance were:***

Joel Bryant	Mayor, City of Brentwood
Diane Burgis	Contra Costa County Board of Supervisors
Carl “CW” Wolfe	City Council, City of Clayton
Randy Pope	City Council, City of Oakley
Juan Antonio Banales	City Council, City of Pittsburg

***Conservancy staff and consultants in attendance were:***

Abigail Fateman	Conservancy Executive Director
John Kopchik	Conservancy Secretary
Joanne Chiu	Conservancy Staff
Allison Cloney	Conservancy Staff
Bob Spencer	Urban Economics

***Other attendees (who were present on the video meeting or spoke on an item):***

Aaron Halimi	President, Renewable Properties
Stephanie Loucas	Renewable Properties
Brian Madigan	Renewable Properties
Peter Brydon	Renewable Properties
Jeff Dodd	Attorney
Nick Kautzman	Arcadis Consulting Representing Phillips 66 Pipeline, LLC

- 3) **Public Comment on items that are not on the agenda (public comment on items on the agenda will be taken with each agenda item).** Aaron Halimi, Renewable Properties, requested to speak but then deferred to speak until Item 6 was heard by the Board. There were no comments from the public.
- 4) **Consider the following CONSENT items:**
  - a) **APPROVE the Meeting Record from the East Contra Costa County Habitat Conservancy (“Conservancy”) Governing Board meeting of December 11, 2020 and January 8, 2021.**
  - b) **ACCEPT update on the Conservancy’s Endowment Account with the Regional Parks Foundation.**
  - c) **ACCEPT update on the Conservancy’s and East Bay Regional Park District’s planning efforts at the former Roddy Ranch Golf Course Property.**
  - d) **APPROVE the Request for Proposals (RFP) for the East Contra Costa County Habitat Conservancy’s Science and Research Grant Program.**

Items 4a, 4b, 4c and 4d were approved as recommended by staff. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

- 5) **Consider the following actions related to extending take coverage to Phillips 66, LLC for their Phillips 66 Line 200 Anomaly Investigation and Repair – Spring 2021:**
- a) **AUTHORIZE staff to execute a Participating Special Entity Agreement with Phillips 66, LLC for take coverage for the Phillips 66 Line 200 Anomaly Investigation and Repair – Spring 2021; and**
  - b) **DIRECT staff to file a CEQA Notice of Exemption for this Board action with the County Clerk.**

Ms. Chiu presented the project to the Board and provided details on the purpose, location, impacts and fees. Nick Kautzman was in attendance representing Phillips 66 Pipeline, LLC and available for questions. There were no questions from the Board and no comments from people in attendance. Items 5a and 5b were approved as recommended by staff. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

- 6) **Consider APPROVING the Implementation Policy Regarding Installation of Solar Energy Facilities Outside the Urban Development Area.**

Ms. Chiu provided a presentation detailing the guidelines of the implementation policy for permitting commercial renewable energy facilities outside the urban development area, which included criteria for eligibility, impact type and impact area calculation clarification, and parameters for phasing fee payment. Aaron Halimi, President of Renewable Properties, expressed concerns over the guidance for impact calculation as he does not view solar development habitat loss as commensurate with the permanent impact calculation. He noted solar developments are temporary in nature as County permitting requires a decommissioning plan. Lastly, he raised a concern that the fee associated with the impact calculation could have serious economic impacts on solar development in East County. Jeff Dodd, local land use attorney consulted by Renewable Properties, expressed concerns with the proposed implementation policy noting that fees need to be proportional to impact and, in his opinion, solar development is not the same as hardscape development.

Members of the Conservancy's Governing Board acknowledged staff's effort to coordinate the proposed policy with state and federal partners. The Board's comments included discussion of the siting of solar facilities (roof-top vs agricultural land), how impact areas are calculated, comparison of a solar project to another project outside the Urban Development Area like the Phillips 66 project (approved as Item 5 earlier in the agenda) in the way impacts are assessed, flexibility of fee payment phasing options, the opt-in nature of the Conservancy's permitting, and the need for more research to understand the impacts of solar to species.

The item was approved as recommended by staff. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

- 7) **Consider ADOPTING the 2017 East Contra Costa County HCP/NCCP Mitigation Fee Audit and Nexus Study (“Study”) consistent with requirements in the HCP/NCCP for periodic review of the HCP/NCCP fees.**

Ms. Fateman introduced the item and Bob Spencer, Urban Economics, provided a brief presentation on the Fee Audit and Nexus Study. Mr. Spencer's presentation walked attendees through the fee audit process and compared the adjusted fees to the current fees that the City, County, and the Conservancy charge development projects. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

- 8) **Consider SCHEDULING a Special meeting of the Conservancy Governing Board for March 2021.**

A special meeting was scheduled for March 29, 2021 and the next regular Governing Board meeting will be April 26, 2021. (5-0: Banales, Bryant, Burgis, Pope and Wolfe)

- 9) **Adjourn. The next regular Governing Board meeting is Monday, April 26, 2021 at 2 p.m.**