



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: October 1, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning & Development Department
Director(s) (805) 568-2086
Contact Info: Alex Tuttle, Deputy Director, Planning & Development Department
(805) 568-2072
SUBJECT: Agreement for Services with Environmental Science Associates (ESA) and California Energy Commission Grant

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: Risk Management

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Adopt a resolution authorizing the Director of the Planning and Development Department, or designee, (1) to accept grant funds from the California Clean Energy Planning Program (CCEPP) by and through the California Energy Commission (CEC) as part of the County's Utility-Scale Solar Comprehensive Plan and Ordinance Amendments, for fiscal years 2024-2025 and 2025-2026 in the amount of \$100,000, (2) to execute a grant agreement (Attachment 1) similar to the attached upon review and approval of Auditor-Controller, County Counsel, and Risk Management, and (3) to make any certifications and assurances that may be required by the grant agreement.
- b) Approve, ratify, and authorize the Chair to execute an Agreement for Services of Independent Contractor with Environmental Science Associates (ESA) (Attachment 2) to provide professional services in the preparation of Utility-Scale Solar Comprehensive Plan and Ordinance Amendments to allow utility-scale solar development, including CEQA compliance, for the period of September 12, 2024, to June 30, 2026, with a base amount not to exceed \$488,335. This Agreement converts a Purchase Order to a Board Contract and increases funding by \$352,836, for a revised total

contract amount not to exceed \$502,985, inclusive of \$150,149 under Purchase Order CN6619 (as previously amended by CO7809), but which otherwise cancels, nullifies, and supersedes Purchase Order CN6619, as previously amended;

- c) Authorize the Planning & Development Department (P&D) Director, or the P&D Director's designee, to:
 - i. Approve up to a 3 percent contingency cost not to exceed \$14,650 for services being performed under the Agreement for Services of Independent Contractor, for a total Agreement amount not to exceed \$502,985;
 - ii. Approve changes or additions in the services being performed under the Agreement for Services of Independent Contractor, provided the Agreement does not exceed the base amount plus the 3 percent contingency identified in the Agreement; and
 - iii. Make immaterial changes in accordance with Section 35 of the Agreement for Services of Independent Contractor.

- d) Determine that the Agreement for Services of Independent Contractor and the Board of Supervisors' actions are not a project and, therefore, are exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

Summary Text:

As part of Long Range Planning's project to amend the County's Comprehensive Plan and Zoning Ordinances in order to facilitate utility-scale solar development throughout the unincorporated county, the Utility-Scale Solar Comprehensive Plan and Ordinance Amendments Project will address the recommendations set forth in the County's Strategic Energy Plan (SEP) – as revised pursuant to the direction that the Board of Supervisors (Board) provided at the Board's July 13, 2021 hearing. This project is funded, in part, by a California Clean Energy Planning Program (CCEPP) Grant totaling \$100,000 that P&D was successful in obtaining in July 2024. In 2023, P&D initiated a competitive bid process, issued a second request for proposals (RFP) after the first RFP in 2022 received no response, evaluated the proposals to prepare Comprehensive Plan and Zoning Ordinance amendments to allow utility-scale solar development, and selected ESA as the project consultant. The Agreement for Services of Independent Contractor (Attachment 2), not to exceed \$502,985, will exceed the \$200,000 cumulative contract threshold and, therefore, requires Board approval. This Agreement converts a Purchase Order to a Board Contract and increases funding by \$352,836, for a revised total contract amount not to exceed \$502,985, inclusive of \$150,149 under Purchase Order CN6619 (as previously amended by CO7809). Approval of the Agreement will cancel, nullify, and supersede Purchase Order CN6619. Staff recommends the Board of Supervisors approve the Agreement for Services of Independent Contractor.

Background:

The County adopted the SEP in 2019 to stimulate local renewable energy generation and to meet state and local emission reduction goals. The SEP identified solar photovoltaics as the greatest potential renewable energy resource in the county with an estimated generation capacity of 1,251-1,857MW. The SEP also identified the County Land Use and Development Code (LUDC) as the primary barrier to developing utility-scale solar photovoltaic projects. Consistent with recommendations in the SEP, the Board directed

staff to amend the Comprehensive Plan, zoning ordinances, and Uniform Rules to allow utility-scale solar in the County outside of the current Utility-Scale Solar Photovoltaic Overlay.

The SEP recommended that the County develop a comprehensive utility-scale solar ordinance to allow utility-scale solar projects outside of the Utility-Scale Solar Photovoltaic Overlay as well as other amendments to the LUDC to facilitate their development. The SEP also recommended amendments to the Uniform Rules to reduce barriers to solar development on land under agricultural preserve (Williamson Act) contracts while maintaining agricultural productivity, particularly for prime farmland.

P&D received one proposal from ESA after its second bid process was initiated on March 15, 2023 after the first RFP attempt in 2022 received no response. P&D worked with ESA to refine the proposal, clarify the scope of work, and ask budgetary questions, before making a selection.

ESA has extensive experience in preparing EIRs for solar photovoltaic projects in the desert region of Kern County, including joint CEQA/NEPA documents. They are also well-versed in guiding communities in the preparation and updates to zoning regulations and long-range planning documents. ESA's proposal (Attachment 3) reflects the required scope of services; demonstrates relevant, previous experience in the project area; and demonstrates professional qualifications necessary for outstanding performance of the services required.

The County entered into a contract (CN6619) with ESA on October 31, 2023 for \$120,000 to complete a portion of tasks that comprise Phase 1 of the Project scope. A Change Order was processed on April 12, 2024 (CO7809) to bring the total budget to \$150,149 for completion of further work on Phase 1 tasks. An additional Change Order (CO9464) was processed on August 28, 2024 that did not change the contract amount but allowed ESA to initiate tasks in Phase 2 in order to keep the project on schedule. The total contract amount requested as part of this Agreement for Services (\$502,985) is inclusive of the work completed to-date and covered in the original contract.

The County and ESA have begun the process by developing draft amendments to the Uniform Rules, the County LUDC, and the Montecito Land Use and Development Code (MLUDC) as part of Phase 1 of the Project. In addition to Comprehensive Plan amendments, the Project will also comprise amendments to the Gaviota Coast Plan and other Community Plans, as needed. Phase II of the Project will consist of the preparation of the CEQA environmental document.

The Project will be advised by the Agricultural Preserve Advisory Committee (APAC) and the Agricultural Advisory Committee (AAC). The AAC and APAC will review draft products and provide input on the project at critical milestones.

This Project is supported by a California Clean Energy Planning Program (CCEPP) Grant award. Most of the grant will fund consultant work as well as some staff time for P&D to support and manage the project. The grant performance period is 18 months, beginning in September 2024 and extending through March 2026.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding is budgeted in P&D's Long Range Planning Budget Work Program on page 321 of the County of Santa Barbara Fiscal Year 2024–2025 adopted budget.

The total consultant cost of the Utility-Scale Solar Ordinance Amendments is approximately \$502,985, up to \$100,000 of which is covered by the grant.

Key Contract Risks:

P&D staff performed a risk analysis on the proposed Agreement. It is medium risk because of the high contract value, and the project has medium complexity. The Agreement applies the County's standard independent contractor terms and conditions in accordance with State of California laws and regulations. The risk mitigation includes insurance coverage appropriate for the level of risk involved as determined by P&D in conjunction with the County Risk Manager, and the Agreement indemnifies County agents, officers, and employees, from any claims that may arise from activities performed under the Agreement. In addition, the Agreement includes a Termination for Convenience clause to further mitigate risk.

Staffing Impacts:

No additional staffing is needed to implement and manage this Agreement.

Special Instructions: *

Please forward one original executed Agreement and a copy of the hearing Action Summary to P&D, Hearing Support, Attention: David Villalobos.

Attachments:

1. Resolution of the Board of Supervisors
Draft Grant Agreement
2. Agreement for Services of Independent Contractor
Exhibit A: Statement of Work
Exhibit B: Payment Arrangements
Attachment B1: Fee Schedule
Exhibit C: Indemnification and Insurance Requirements
3. Environmental Science Associates, Proposal to Prepare Comprehensive Plan Amendments to Allow Utility-Scale Solar Development

Authored by:

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