



## Legislation Text

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**File #:** 2024-0511, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Josh Miranda, Planner III, 707-565-1948

**Vote Requirement:** Majority

**Supervisorial District(s):** Second

**Title:**

Permit Sonoma Project File No. PLP22-0005, Bolero Energy Storage Project - Applicant Prepared Environmental Impact Report Peer Review Contract Award; 1901 Frates Rd., Petaluma (APN 017-140-011, 017-140-012, and 017-050-006)

**Recommended Action:**

Adopt a Resolution authorizing the Director of Permit Sonoma or designee to execute an agreement with Rincon Consultants, Inc., in a form acceptable to County Counsel, to oversee the adequacy of an applicant-prepared Environmental Impact Report for a term not to exceed three years and commencing on the date of the last required signature to the agreement, and in an amount not to exceed \$155,438.00.

**Executive Summary:**

On February 9, 2022, Permit Sonoma received an application from Adobe Investments, LLC and Bolero Energy Storage, LLC for Design Review and a Use Permit to establish a Battery Energy Storage System Facility that will deliver on demand energy to the electrical grid, and a fence taller than six feet in height.

In April 2024, Permit Sonoma accepted the applicant's request to submit an Applicant-prepared Environmental Impact Report (EIR) for this project and later executed a Memorandum of Understanding with Bolero Energy Storage, LLC, in accordance with Permit Sonoma's Applicant Prepared Environmental Review Policy 8-0-7. On April 15, 2024, Permit Sonoma released a Request for Proposals (RFP), to solicit proposals to conduct peer review of the Applicant-prepared EIR analysis, develop hearing and public meeting materials related to the EIR, and complete related administrative tasks.

Permit Sonoma recommends the Board authorizes the Director of Permit Sonoma or designee to execute an agreement with Rincon Consultants, Inc., in a form acceptable to County Counsel, to oversee the adequacy of the applicant prepared EIR for the Bolero Energy Storage Project, for a term not to exceed three years from the date of the last required signature to the agreement, and in an amount not to exceed \$155,438.00.

**Discussion:**

**Background**

On February 9, 2022, Permit Sonoma received an application from Adobe Investments, LLC and Bolero Energy Storage, LLC for Design Review and a Use Permit to allow construction and operation of a Battery Energy

Storage System (BESS) Facility, as a public utility, and for a fence that exceeds six feet in height within the property line setbacks. The BESS Facility would be developed on approximately 15.6 acres (017-140-011) of the 115.12 acre lot and capable of delivering up to 200 MW and 800 MWh of on-demand energy to the electrical grid, located at 1901 Frates Rd. Petaluma (APN 017-140-011, 017-140-012, and 017-050-006)

Permit Sonoma determined that the scope and intensity of development proposed under the project has the potential to result in significant environmental impacts that cannot be fully mitigated, and therefore an Environmental Impact Report (EIR) is required prior to initiating further processing of the application.

### **Environmental Review:**

Public Resources Code section 21082.1 and CEQA Guidelines section 15084(d)(3) gives discretion to the County regarding whether to allow an applicant to prepare its own Environmental Impact Report (EIR) or Initial Study Checklist (IS) for a private project. If the County elects to allow applicant prepared environmental documents, then it is required to subject the documents to the County's own independent review and analysis. A draft environmental document may not be circulated by the County that does not represent the County's own independent judgment. (14 Cal. Code Regs. § 15084(e); Pub Res. Code § 21082.1(c).)

It is the standard practice of Permit Sonoma to self-prepare any necessary EIR, typically through a contract the County enters with an EIR consultant to evaluate the environmental impacts of a project. An applicant may submit a request for an exception to the standard practice, subject to Director's discretion and in accordance with Permit Sonoma's Applicant Prepared Environmental Review Policy 8-0-7. In April 2024, Permit Sonoma accepted the applicant's comprehensive memorandum explaining their proposed approach to preparing the EIR for the Bolero Energy Storage project and entered into a Memorandum of Understanding. The Memorandum of Understanding establishes a cooperative agreement between Permit Sonoma and Bolero Energy Storage, LLC, to allow the applicant to provide an Applicant-Prepared EIR to be peer reviewed by the County and County-hired consulting staff with expenses covered by the applicant.

### **Request for Proposals:**

On June 13, 2022, Permit Sonoma released a Request for Qualifications (RFQ) for Professional Planning Services to solicit firms qualified to assist with a scope of planning permit processing services and policy development, including preparation of Environmental Impact Reports. The RFQ was posted through Sonoma County's Purchasing Department as a Supplier Portal Solicitation, under Bid Solicitation No. SC001-0000001522. In July 2022, Permit Sonoma evaluated qualifications using the following criteria:

- Demonstrated ability to perform the services described
- Experience, qualifications, and expertise relating to Sonoma County
- Quality of work as verified by references
- Willingness to accept the County's contract and insurance terms
- The locality of the Proposer

Permit Sonoma selected six proposals from the following firms: Brelje & Race Consulting Engineers; Rincon Consultants, Inc.; WRT, LLC; Interwest Consulting Group; MIG, Inc.; 4Leaf, Inc.

On April 15, 2024, Permit Sonoma released a Request for Proposals (RFP) to the 2022 RFQ Professional

Planning Services consultant list to solicit proposals to conduct peer review of the Bolero Energy Storage Project’s Applicant-prepared EIR analysis, develop hearing and public meeting materials related to the EIR, and complete related administrative tasks. Three firms responded with proposals for the requested scope of work: Rincon Consultants, Inc.; MIG, Inc.; and Interwest Consulting Group.

Three staff members from the Planning Division of Permit Sonoma evaluated and scored the proposals. Rincon Consultants, Inc. was scored as the preferred bidder for the Bolero Energy Storage Project because their proposal included an expedited schedule and a comprehensive explanation of their proposed approach to EIR peer review and preparation of public hearing materials. Rincon has over 17 years of experience in environmental planning and permitting, and as well as experience in renewable energy and utility projects. Rincon has worked on multiple projects with Sonoma County and is currently managing preparation of a CEQA document for a similar battery energy storage project in Solano County.

The other bidders did not include the same breadth of comprehensive review and timely responses. Staffing proposed by one bidder did not have sufficient technical expertise.

The cost of the proposed contract is for a not-to-exceed amount of \$155,438.00. Itemized costs are provided in Exhibit B of Attachment 2.

Tentative Project Schedule (subject to change):

- June 4, 2024 Board approves contract award.
- July 2024 Permit Sonoma publishes Notice of Preparation of the Draft EIR
- August 2024 Permit Sonoma holds Scoping Meeting for the Draft EIR
- November 2024 Peer Review of Draft EIR completes
- December 2024 Permit Sonoma publishes Notice of Completion/Public Review of the Draft EIR
- January 2025 Planning Commission hearing on the Draft EIR
- March 2025 Permit Sonoma prepares Final EIR
- April 2025 Board of Supervisors hearing on the Use Permit and Final EIR

**Strategic Plan:**

NA

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

May 3, 2022 - Sonoma County Board of Supervisors granted Original Jurisdiction.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY23-24 Adopted</b>	<b>FY24-25 Projected</b>	<b>FY25-26 Projected</b>
Budgeted Expenses	\$10,000	\$130,438	\$15,000
Additional Appropriation Requested			

<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	\$10,000	\$130,438.00	\$15,000
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	\$10,000	\$130,438.00	\$15,000

**Narrative Explanation of Fiscal Impacts:**

There are sufficient appropriations in the current year budget to cover costs through the end of the fiscal year. Appropriations for FY 2024-25 will be requested as part of First Quarter Consolidated Budget Adjustments given that these costs were not contemplated in the FY 2024-25 Recommended Budget. County staff and independent consultant review is part of the project costs for which the applicant is responsible.

**Narrative Explanation of Staffing Impacts (If Required):**

There will be no impact on staffing. Existing staff are sufficient to complete the review of the consultant’s work.

**Attachments:**

- Attachment 1: PLP22-0005 Board Resolution
- Attachment 2: PLP22-0005 Draft Rincon Professional Services Agreement
- Exhibit A: 23-24-033 Rincon Exhibit A Scope of Work
- Exhibit B: 23-24-033 Rincon Exhibit B Budget
- Exhibit C: 23-24-033 Rincon Exhibit C Insurance
- Attachment 3: PLP22-0005 Executed MOU dated May 2, 2024
- Attachment 4: PLP22-0005 Bolero Battery Storage RFP Scope with full project description

**Related Items “On File” with the Clerk of the Board:**

None.