

| <b>DOCKETED</b>         |                                                                                                  |
|-------------------------|--------------------------------------------------------------------------------------------------|
| <b>Docket Number:</b>   | 24-OPT-05                                                                                        |
| <b>Project Title:</b>   | Corby Battery Energy Storage System Project                                                      |
| <b>TN #:</b>            | 272266                                                                                           |
| <b>Document Title:</b>  | Michael Geller Comments - See Attached Letter Regarding Agricultural Protection in Solano County |
| <b>Description:</b>     | N/A                                                                                              |
| <b>Filer:</b>           | System                                                                                           |
| <b>Organization:</b>    | Michael Geller                                                                                   |
| <b>Submitter Role:</b>  | Public                                                                                           |
| <b>Submission Date:</b> | 8/31/2026 11:45:14 AM                                                                            |
| <b>Docketed Date:</b>   | 8/31/2026                                                                                        |

*Comment Received From: Michael Geller*  
*Submitted On: 8/31/2026*  
*Docket Number: 24-OPT-05*

**See Attached Letter Regarding Agricultural Protection in Solano County**

*Additional submitted attachment is included below.*

# COMMENTS ON THE CORBY BATTERY ENERGY STORAGE SYSTEM

## Docket No. 24-OPT-05

### SOLANO COUNTY'S LONGSTANDING GENERAL PLAN COMMITMENT TO AGRICULTURAL PRESERVATION

California Energy Commission  
715 P Street  
Sacramento, California 95814

Commissioners:

I submit these comments concerning the proposed Corby Battery Energy Storage System and its consistency with the Solano County General Plan. Neil and Victoria Serr have raised an interesting point concerning the protection of Solano County agricultural land. I would like to add some broader historical and policy context by focusing on the County's longstanding General Plan commitment to protecting agriculture.

That commitment did not arise in response to Corby or to battery energy storage. It is reflected throughout the General Plan's agricultural land-use designations, goals and policies, farmland-conversion requirements, orderly-growth principles, agricultural zoning, and later implementing ordinances. Viewed together, those provisions show a consistent policy direction: productive agricultural land, particularly in specifically identified agricultural regions, is to be preserved and conflicting nonagricultural uses avoided.

#### **I. THE UNDISPUTED STARTING POINT: CORBY WOULD CONVERT AGRICULTURAL LAND TO A NONAGRICULTURAL USE**

The project site is designated Agriculture under the Solano County General Plan and is zoned Exclusive Agriculture, A-40. The applicant's own Agricultural Mitigation Plan states that the site is presently used for row-crop agriculture and that the surrounding lands are agricultural, including orchards and irrigated pasture. (Corby Agricultural Mitigation Plan, TN 259883, p. 1-1.)

More importantly, the applicant states that the battery containers and associated equipment would prevent agricultural production on the site for up to 30 years and would convert approximately 40.3 acres of farmland to a nonagricultural use. The 40.3 acres include 12.9 acres of Prime Farmland, 9.0 acres of Farmland of Statewide Importance, and 18.4 acres of Unique Farmland. (TN 259883, p. 2-1.)

Those admissions establish the essential factual point before any legal debate begins: the land is agricultural now, and Corby would convert it to a nonagricultural use.

#### **II. AGRICULTURAL PROTECTION IS A LONGSTANDING GENERAL PLAN POLICY, NOT A NEW RESPONSE TO CORBY**

The County's commitment to agriculture is woven into the structure of the General Plan. The plan directs new urban development toward municipal areas and treats preservation of Agriculture-designated land as a cornerstone of orderly growth. Chapter 3 then carries that principle forward through specific agricultural goals and policies intended to preserve farmland, sustain agricultural viability, and reduce conflicts between agricultural and nonagricultural uses.

That history matters here. The question is not simply whether a particular mitigation ratio can compensate for the acreage Corby would remove from production. The more fundamental General Plan question is why an industrial-scale energy facility should be placed on Agriculture-designated land in the first place when the County's planning framework has long sought to direct incompatible development away from agricultural areas.

The Commission should therefore evaluate Corby against the General Plan as a whole, rather than treating each agricultural policy as an isolated requirement that can be satisfied independently. Taken together, the policies show a sustained County commitment to preservation, compatibility, and continued agricultural use.

### **III. AG.P-28: ELMIRA/MAINE PRAIRIE IS SPECIFICALLY IDENTIFIED FOR AGRICULTURAL PRESERVATION**

The applicant identifies the project as being within the Elmira/Maine Prairie agricultural region. General Plan Policy AG.P-28 specifically identifies Elmira and Maine Prairie among the regions where agriculture is to remain the predominant land use, preservation efforts are to be focused, and conflicting land uses avoided. (Solano County General Plan, ch. 3, Policy AG.P-28, p. AG-31.)

This is unusually specific guidance. Corby is not merely a nonagricultural use proposed somewhere on agricultural land. It is a large industrial energy facility proposed in one of the very agricultural regions the General Plan singles out for focused preservation and avoidance of conflicting uses.

The Commission should explain how a project that the applicant itself characterizes as converting 40.3 acres to nonagricultural use is consistent with AG.P-28. Agricultural mitigation elsewhere does not answer that question because AG.P-28 addresses location and avoidance of conflict, not merely compensation after conversion.

### **IV. THE GENERAL PLAN'S AGRICULTURAL GOALS POINT IN THE SAME DIRECTION**

Goal AR.G-1 recognizes the critical role of agricultural lands in the County's stability and economic well-being. Goal AR.G-2 calls for preserving and protecting agricultural lands as irreplaceable resources for present and future generations. Goal AR.G-5 seeks to reduce conflict between agricultural and nonagricultural uses in Agriculture-designated areas. Goal AR.G-6 recognizes and supports agricultural water resources for farmland. (Solano County General Plan, ch. 3, Goals AR.G-1, AR.G-2, AR.G-5 and AR.G-6.)

These provisions should not be read as isolated aspirations. Together they establish a policy framework that favors preservation, compatibility, and continued agricultural viability. Corby would remove farmland from production and introduce an intensive nonagricultural use into that agricultural setting.

AR.G-2 also highlights the difference between mitigation and avoidance. Protecting agricultural acreage somewhere else may compensate for a loss, but it does not preserve the Corby farmland itself.

### **V. AG.P-4 MAKES THE PHYSICAL CONVERSION ISSUE EXPLICIT**

General Plan Policy AG.P-4 requires farmland-conversion mitigation when a General Plan amendment changes agricultural land to a nonagricultural designation or when a development permit changes land from

production agriculture to a nonagricultural use regardless of the General Plan designation. The applicant itself cites AG.P-4 as applicable to Corby. (TN 259883, p. 3-1.)

That wording is important because it recognizes that a physical conversion to nonagricultural use can occur even when the General Plan designation itself does not change. In other words, retaining the word "Agriculture" on a land-use map does not eliminate the General Plan concern when the land itself is physically committed to a nonagricultural use for decades.

The Commission should therefore address two separate questions: how the conversion will be mitigated, and why the conversion should occur at this location at all. The first does not answer the second.

## **VI. AGRICULTURAL WATER POLICIES PROVIDE AN ADDITIONAL GENERAL PLAN CONNECTION**

General Plan Goal AR.G-6 and Policy AG.P-8 protect agricultural water resources and seek to maintain water quality and quantity for irrigation of productive farmland. These provisions are relevant because water supply has been an issue throughout the Corby proceeding. (Solano County General Plan, ch. 3, AR.G-6 and AG.P-8.)

These comments do not repeat the separate water-supply arguments already made in the record. The important point here is that agricultural water protection is another component of the same General Plan framework.

## **VII. A-40 ZONING AND THE COUNTY'S BESS ORDINANCE REINFORCE THE GENERAL PLAN**

The Corby site is zoned Exclusive Agriculture, A-40. That zoning should not be treated as an isolated technicality. It implements the broader agricultural land-use framework established by the General Plan.

The County's later decision to prohibit front-of-the-meter BESS facilities in agricultural zoning districts did not create the County's agricultural-preservation policy. The General Plan came first. The BESS ordinance applies those longstanding land-use principles to a newer form of energy development.

## **VIII. THE COUNTY'S 2024 AGRICULTURAL MITIGATION ORDINANCE CONFIRMS THAT THE POLICY REMAINS ACTIVE**

In 2024, Solano County adopted an agricultural mitigation ordinance responding in part to increasing pressure to convert farmland for energy and infrastructure projects. The ordinance applies to specified communication and infrastructure uses in agricultural zoning districts. County staff thereafter advised the CEC that Corby's 40.3-acre conversion would be subject to the County's newer 3:1 mitigation framework rather than the applicant's earlier 1.5:1 assumption. (CEC land-use data request, TN 265205; Solano County Ordinance No. 2024-1858.)

This is important context. The agricultural policies at issue are not dormant remnants of 2008. The County continues to implement and strengthen them.

## **IX. LAMBIE INDUSTRIAL CENTER MAKES THE SITE-SELECTION QUESTION UNAVOIDABLE**

The existence of the Lambie Industrial Center alternative makes the General Plan conflicts more significant. The question is not simply Corby or no battery storage. The relevant question is whether the project's basic

energy-storage objectives can be achieved at an industrial location without converting Agriculture-designated land.

If a feasible industrial alternative can accomplish the project's fundamental objectives, then the loss of 40.3 acres of farmland at Corby is not an unavoidable consequence of battery storage. It is a consequence of site selection.

That distinction is especially important under AG.P-28. If the General Plan calls for focused agricultural preservation and avoidance of conflicting uses in Elmira/Maine Prairie, the Commission should explain why an agricultural location is nevertheless preferable to a potentially suitable industrial one.

## **X. CONCLUSION**

The point of these comments is not to duplicate another submission or to rest the case on a single ballot measure. It is to place the Corby proposal within Solano County's much longer history of protecting agriculture through its General Plan and related land-use policies.

Corby is proposed on Agriculture-designated, A-40 land within the Elmira/Maine Prairie agricultural region. The applicant acknowledges that the project would convert approximately 40.3 acres of farmland to a nonagricultural use for as long as 30 years. AG.P-28 identifies Elmira/Maine Prairie for focused agricultural preservation and avoidance of conflicting land uses.

Before approving Corby, the Commission should answer directly: How is the physical conversion of approximately 40.3 acres of Agriculture-designated land to a nonagricultural industrial use consistent with the General Plan's agricultural-preservation framework? How is it consistent with AG.P-28's specific direction that agriculture remain the predominant land use in Elmira/Maine Prairie, that preservation efforts be focused there, and that conflicting land uses be avoided? And why should agricultural conversion be accepted when a potentially suitable industrial alternative has been identified?

The Commission's opt-in authority may answer whether the Commission can approve Corby despite local restrictions. It does not answer whether Corby should be located here. The General Plan, A-40 zoning, the agricultural mitigation framework, the County's BESS ordinance, and the industrial alternative all point to the same land-use concern: the Corby site is the wrong location for this project.

Respectfully submitted,

Michael Geller  
Member of the Public  
Solano County, California

## SOURCE NOTES

1. Solano County, 2008 General Plan, Chapter 2 (Land Use) and Chapter 3 (Agriculture), including AR.G-1, AR.G-2, AR.G-5, AR.G-6, AG.P-4, AG.P-8, and AG.P-28 (AG.P-28 at p. AG-31).
2. Solano County 2008 General Plan materials describing the General Plan as the guide for development and conservation in unincorporated Solano County and reflecting the County's orderly-growth and agricultural-preservation framework.
3. Corby Agricultural Mitigation Plan, CEC TN 259883 (August 2024), pp. 1-1, 2-1, 3-1.
4. CEC land-use data request, TN 265205 (July 9, 2025), discussing the applicant's 40.3-acre conversion and the County's subsequently adopted 3:1 agricultural mitigation requirements.
5. Solano County agricultural mitigation ordinance, Ordinance No. 2024-1858.