ORDINANCE NO. 2013-1743

AN INTERIM ORDINANCE PROHIBITING
ESTABLISHMENT OF ANY COMMERCIAL WIND TURBINE GENERATOR,
COMMERCIAL SOLAR ENERGY FACILITY, OR
WIRELESS COMMUNICATION FACILITY WITHIN THE UNINCORPORATED
TERRITORY OF THE COUNTY OF SOLANO,
ADOPTED AS AN URGENCY MEASURE

The Board of Supervisors of the County of Solano ordains as follows:

SECTION 1. Findings

A. Travis Air Force Base is home to the Air Mobility Command’s largest and
busiest airlift organization, a major asset to the national defense and a
major contributor to both the local and regional economies.

B. Solano County desires to maintain its mutually beneficial relationship and
understanding with Travis Air Force Base, to avoid potential land use and
development conflicts, and to perpetuate Travis Air Force Base’s
presence in Solano County.

C. Solano County and all of the cities near Travis AFB recognize their
responsibility to protect the public health, safety, and welfare, and are
united in their commitment to implement long-term plans to ensure the
protection of Travis AFB from development that would be incompatible
with its future operations.

D. On September 24, 2013, the Board of Supervisors authorized the
submittal of a grant application with the U.S. Department of Defense
Office of Economic Adjustment requesting matching funds to assist with
the costs of preparing a Joint Land Use Study.

E. One of the main areas of concern leading the County to seek preparation
of a Joint Land Use Study is the potential for additional commercial scale
wind energy and solar energy projects to adversely impact on the mission
at Travis AFB.

F. In order to ensure that any recommendations developed during the Joint
Land Use Study Process regarding commercial scale wind energy projects,
solar energy projects, and wireless communication facility projects are not
foreclosed from implementation due to approval or construction of such
projects pending completion of the study process, the imposition of a
temporary moratorium is necessary.
SECTION 2. Interim Prohibition on Commercial Wind Energy Projects

From and after the date of enactment of the interim ordinance, no use permit, variance, building permit, business license, or any other entitlement for use shall be approved or issued for the establishment, construction, or operation of a commercial wind energy generator, as defined in Section 28.01 of the Solano County Code, for any location or property within the unincorporated territory of Solano county, unless a use permit was approved prior to November 5, 2013, authorizing the establishment, construction, and operation of the commercial wind energy generator.

SECTION 3. Interim Prohibition on Commercial Solar Energy Projects

From and after the date of enactment of the interim ordinance, no use permit, variance, building permit, business license, or any other entitlement for use shall be approved or issued for the establishment, construction, or operation of a commercial solar energy facility, as defined herein, for any location or property within the unincorporated territory of Solano County, unless a use permit was approved prior to November 5, 2013, authorizing the establishment, construction, and operation of the commercial solar energy facility.

For purposes of this ordinance, a commercial solar energy facility is defined as a solar energy conversion system consisting of ground-mounted solar arrays, and associated control or conversion electronics that convert solar energy to utility power for the primary purpose of resale or off-site use. Solar energy conversion systems using only roof-mounted solar arrays are excluded from this definition.

SECTION 3.5 Interim Prohibition on Wireless Communication Facility Projects

From and after the date of enactment of the interim ordinance, no use permit, variance, building permit, business license, or any other entitlement for use shall be approved or issued for the establishment, construction, or operation of a wireless communication facility other than a co-location, as defined in Section 28.81 of the Solano County Code, for any location or property within the unincorporated territory of Solano County, unless a use permit was approved prior to November 5, 2013, authorizing the establishment, construction, and operation of the wireless communication facility.

SECTION 4. Effective Period

This interim ordinance is urgently needed for the immediate preservation of the public health, safety, and welfare. It shall take effect immediately upon adoption and shall be of no further force and effect 45 days following the date of its adoption, unless extended in accordance with the provisions set forth in California Government Code section 65858.
SECTION 5. Authority

California Government Code section 65858 provides that an urgency measure in the form of an initial interim ordinance may be adopted by a four-fifths vote of the board of supervisors, which shall be effective for only 45 days following its date of adoption. Government Code section 65858 further provides that such an urgency measure may be extended following compliance with that section for an additional 10 months and 15 days beyond the original 45-day period, and subsequently extended for an additional year.

SECTION 6. Penalties

The definitions and penalties for land use violations that are prescribed in Chapter 28 of the Solano County Code shall apply to violatons of the provisions of this interim ordinance.

SECTION 7. Severability

If any provision of this interim ordinance or the application of it to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the interim ordinance are declared to be severable.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on November 5, 2013, by the following vote:

AYES: SUPERVISORS: Hannigan, Spering, Thomson, Vasquez, and Chair Seifert.

NOES: SUPERVISORS: None.

EXCUSED: SUPERVISORS: None.

Linda J. Seifert, Chair
Solano County Board of Supervisors

ATTEST:
Birgitta E. Corsello, Clerk
Board of Supervisors

By: [Signature]
Patricia J. Crittenden, Chief Deputy Clerk