ORDINANCE NO. 2014-1751
SECOND EXTENSION OF AN INTERIM ORDINANCE PROHIBITING ESTABLISHMENT OF ANY NEW COMMERCIAL WIND TURBINE GENERATOR, COMMERCIAL SOLAR ENERGY FACILITY, OR WIRELESS COMMUNICATION FACILITY GREATER THAN 200 FEET 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 and an update of the Travis AFB Land Use Compatibility Plan is the potential for additional commercial scale wind energy and solar energy projects to adversely impact on the mission at Travis AFB. Wireless communication facilities exceeding 200 feet in height (agl) have also been identified as having the potential 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 and update of the Travis AFB Land Use Compatibility Plan 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.

G. Development of commercial solar energy projects in agricultural areas is potentially inconsistent with the County’s policy of protecting valuable agricultural lands. The County has initiated preparation of a zoning ordinance that would regulate where commercial solar projects may be developed within the unincorporated area and impose development standards on such projects.
SECTION 2. Interim Prohibition on Commercial Wind Energy Projects

From and after the date of enactment of the interim ordinance, no use permit, use permit amendment, 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 interim 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, 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.

This interim prohibition shall not apply to a wireless communication facility that would not exceed 200 feet in height (agl) at any point when fully constructed. In addition, this interim ordinance shall not apply to a colocation facility that would not cause the total height of the wireless communication facility on which it is mounted to exceed 200 feet in height (agl) at any point when the co-location facility is fully constructed.

SECTION 4. Effective Period

This extension of the interim urgency ordinance is 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 one year following the date of its adoption, 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 violations 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 October 7, 2014, 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
Solano County Board of Supervisors

By: Jeanette Bellinder, Chief Deputy Clerk