ORDINANCE NO. 2015-1756

AMENDMENT OF THE INTERIM ORDINANCE
PROHIBITING ESTABLISHMENT OF ANY NEW COMMERCIAL WIND
TURBINE GENERATOR, COMMERCIAL SOLAR ENERGY FACILITY,
OR WIRELESS COMMUNICATION FACILITY GREATER THAN 200 FEET,
TO ALLOW APPROVAL OF A SOLAR ENERGY DEMONSTRATION PROJECT
AS AN AGRICULTURAL RESEARCH FACILITY,
ADOPTED AS AN URGENCY MEASURE

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

SECTION 1. Findings

A. 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 for the area surrounding Travis Air Force Base. 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.

B. On November 5, 2013, the Board of Supervisors adopted as an urgency measure Ordinance No. 2013-1743, an interim ordinance prohibiting the establishment of any new commercial wind turbine generator, commercial solar energy facility, or wireless communication facility greater than 200 feet AGL within the unincorporated territory of the County of Solano.

C. Pursuant to Section 65858 of the California Government Code, the interim ordinance was effective for an initial term of 45 days, through December 20, 2013. On December 3, 2013, the Board adopted Ordinance No. 2013-1747, extended the effective term of the interim ordinance through October 19, 2014, and on October 7, 2014, the Board adopted Ordinance No. 2014-1751, further extending the effective term of the interim ordinance through October 18, 2015.

D. Section 3 of the interim ordinance, as initially adopted and as extended, prohibits the approval of any use permit or any other entitlement for use allowing the establishment, construction, or operation of a commercial solar energy facility, as defined in the interim ordinance, unless a use permit was approved for the generator prior to November 5, 2013.

E. SolAgra has requested an exception to the interim ordinance that would allow approval of a use permit for its proposed solar energy demonstration project as an agricultural research facility. The SolAgra project would apply the results of a University of California Davis pilot project involving the simultaneous use of agricultural land for crop production and commercial solar energy production located in the Ryer Island area of the County. As described in the SolAgra request, the project involves the use of approximately 9.5 acres consisting of four crops planted in 1,000 foot long east-west rows that are 80-feet wide. Approximately 290 feet of the rows will be planted beneath
the solar arrays (2.2 Acres) with the remainder uncovered to serve as the control area (4.7 Acres).

F. Because the primary purpose of the SolAgra solar energy demonstration project is not the generation of electricity for resale or off-site use, defining that facility as an agricultural research facility, and thereby exempting that project from the scope of the interim ordinance, is consistent with the intent and purposes of the interim ordinance.

SECTION 2. Amendment of the Interim Ordinance

Section 3 of the interim ordinance prohibiting establishment of any new commercial wind turbine generator, commercial solar energy facility, or wireless communication facility greater than 200 feet, adopted on November 5, 2013 through Ordinance No. 2013-1743 and as that interim ordinance has been extended by the adoption of Ordinance No. 2014-1751 on October 7, 2014, is amended to read:

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.

For purposes of this interim ordinance, a solar photovoltaic energy conversion facility that meets all of the following criteria is defined as an agricultural research facility rather than a commercial solar energy facility:

a) The facility is a limited-term demonstration project, involving the University of California, Davis, designed to research the feasibility of simultaneously using land for both agricultural production and commercial solar energy production;

b) A component of the research conducted at the demonstration project shall analyze changes in soil flora, fauna, and chemistry under the panels as well as environmental impacts to the area around the project site;

c) The facility will be located on Ryer Island in the A-80 zoning district with no more than 2.2 Acres developed with solar photovoltaic panels;

d) Water rights and other mitigation rights associated with the project site remain with the property for the term of the demonstration project; and

e) At the end of the demonstration project's useful life, the site will be returned to its pre-project agricultural conditions.
SECTION 3. Effective Period

This amendment of the interim 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 following the expiration of the interim ordinance on October 18, 2015, in accordance with the provisions set forth in California Government Code section 65858.

SECTION 4. Severability

If any provision of this 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 April 7, 2015, by the following vote:

AYES: SUPERVISORS: Spering, Thomson, Vasquez

and Chairwoman Hannigan

NOES: SUPERVISORS: Seifert

EXCUSED: SUPERVISORS: None.

[Signature]

ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: Jeanette Bellinder, Chief Deputy Clerk