

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor John J. Benoit

SUBMITTAL DATE: December 12, 2012

SUBJECT: Resolution No. 2012-252 Establishing Requirements, Limitations and Procedures Concerning the Use of Payments Collected Under a Development Agreement Involving a Solar Power Plant

RECOMMENDED MOTION: That the Board of Supervisors adopt Resolution No. 2012-252 Establishing Requirements, Limitations and Procedures Concerning the Use of Payments Collected Under a Development Agreement Involving a Solar Power Plant

BACKGROUND:

The Board previously expressed its support of solar energy and acknowledged its benefits. However, the Board also recognized that the benefits of large-scale solar power plants occur on a national, statewide and regional level. At the local level, solar power plants permanently alter the landscape. They also permanently commit vast areas of the County to energy production and preclude all other potential uses, including, but not limited to, agricultural, recreational, commercial, residential and open space uses. Solar power plant development across the state is unique, novel, quickly evolving and unprecedented in scale and rapidity.

The amount of land required to operate solar power plants is significantly greater than the amount of land required to operate other renewable energy facilities and conventional energy facilities. Because Riverside County is one of fastest growing counties in the state and because it is expected to be the second most populous county in the state by 2044, the commitment of so much land to a single use must be considered carefully in conjunction with the County's General Plan. The Community

(Continued on next page)


John J. Benoit, Fourth District Supervisor

Prev. Agn. Ref.: 11/8/11, item 16.2; 12/13/11, item 3.37 **District:** ALL

Agenda Number: ,

3.70

Board of Supervisors

Resolution No. 2012- A Resolution of the County of Riverside Establishing Requirements, Limitations and Procedures Concerning the Use of Payments Collected Under a Development Agreement Involving a Solar Power Plant

Page 2

Development Foundation Component of the General Plan includes all existing and all proposed future standard or higher density residential, commercial, and industrial development. In 2003, when the Board adopted the current General Plan, the existing and proposed acreage for the entire unincorporated County for such development totaled 200,304 acres. Now in 2012, existing and reasonably foreseeable proposed solar power plant development in the County equals or exceeds 100,000 acres. The permanent commitment of such a large part of the County to a single use--- a use that was not contemplated at the time of the adoption of the General Plan in 2003, has serious consequences.

On November 8, 2011, the Board adopted a comprehensive, integrated, legislative solar power plant program which included General Plan Amendment No. 1080, Ordinance No. 348.4705 and Board of Supervisors Policy No. B-29 (Board Policy No. B-29). General Plan Amendment No. 1080 added a new General Plan policy which declares that the County "shall permit and encourage, in an environmentally and fiscally responsible manner, the development of renewable energy resources and related infrastructure, including but not limited to, the development of solar power plants in the County of Riverside."

Board Policy No. B-29 addresses several issues regarding the development of solar power plants. It provides for payments by solar power plant owners in three different circumstances: (a) where the solar power plant project involves the use of County property and a real property interest agreement; (b) where the solar power plant project involves the use of County roads or other County right-of-way and a franchise agreement; and (c) where the solar power plant project involves a conditional use permit or other land use approval and a development agreement. The Board of Supervisors declared that the purposes of the Board Policy "are to implement . . . [the] General Plan . . . , to ensure that the County does not disproportionately bear the burden of solar energy production, to ensure the County is compensated in an amount it deems appropriate for the use of its real property, and to give solar power plant owners certainty as to the County's requirements."

On December 13, 2011, I brought forth a Form 11 to begin the discussion about the allocation of payments made under the solar power plant program and stated that such allocations should take into consideration the communities where solar power plants will be located. Today's action focuses only on the allocation of payments collected under development agreements for a solar power plant. Resolution No. 2012-252 states that expenditures of payments received under a development agreement "shall be restricted to economic and employment development activities and programs including employee training and retraining programs, affordable housing programs for employees, programs for the promotion of area tourism and other activities and programs to attract and retain agricultural, recreational, industrial and commercial uses." Using payments received under a development agreement for this specific purpose will meet the Purpose set forth in Board Policy No. B-29. The Resolution also includes a geographic limitation as well as a grant authorization to ensure that a large percentage of the funds will be used in the communities or district where the solar power plant will be located.

Today's action solely addresses the allocation of payments collected under development agreements for a solar power plant. Today's action does not address the use of payments collected under franchise agreements or under real property interest agreements for solar power plants pursuant to Board Policy No. B-29. Today's action will also not affect the County's ability to use the franchise payments currently being received under the existing franchise agreement for the Desert Sunlight project set forth in Ordinance No. 909 which was adopted prior to Board Policy No. B-29.

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3 RESOLUTION NO. 2012-252

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5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
6 ESTABLISHING REQUIREMENTS, LIMITATIONS AND PROCEDURES
7 CONCERNING THE USE OF PAYMENTS COLLECTED UNDER A
8 DEVELOPMENT AGREEMENT INVOLVING A SOLAR POWER PLANT
9

10 WHEREAS, the Board of Supervisors supports solar energy and acknowledges its benefits;
11 and,

12 WHEREAS, the benefits of solar power plants, however, occur on a national, statewide and
13 regional level; and,

14 WHEREAS, the development of solar power plants presents unique and unprecedented
15 issues for Riverside County not involved in any other type of development; and,

16 WHEREAS, the development of solar power plants involves new and rapidly evolving
17 technology; and,

18 WHEREAS, except for experimental facilities, large-scale solar power plants have not
19 previously been completed or operated anywhere in the state; and,

20 WHEREAS, there has been a rush to develop solar power plants due to state mandates and
21 federal and state financial incentives; and,

22 WHEREAS, development of solar power plants will permanently alter the natural landscape,
23 and affect scenic and recreational values; and,

24 WHEREAS, development of solar power plants will permanently commit vast areas of the
25 County to industrial, large-scale solar energy production and preclude all other potential uses including, but
26 not limited to, agricultural, recreational, commercial, industrial, residential, cultural, and open space uses;
27 and,

28 WHEREAS, compared to these other potential uses, the number of permanent jobs created

1 by solar power plants is very limited; and,

2 WHEREAS, on November 8, 2011, the Board of Supervisors adopted a comprehensive,
3 integrated, legislative solar power plant program which included General Plan Amendment No. 1080,
4 Ordinance No. 348.4705 and Board of Supervisors Policy No. B-29 (Board Policy No. B-29); and,

5 WHEREAS, General Plan Amendment No. 1080 adds a new General Plan policy which
6 declares that the County "shall permit and encourage, in an environmentally and fiscally responsible
7 manner, the development of renewable energy resources and related infrastructure, including but not
8 limited to, the development of solar power plants in the County of Riverside"; and,

9 WHEREAS, Board Policy No. B-29, among other things, provides for certain payments for
10 development agreements involving solar power plants.

11 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by
12 the Board of Supervisors of the County of Riverside in regular session assembled on December 18, 2012,
13 that the following requirements, limitations and procedures concerning the use of payments collected under
14 a development agreement involving a solar power plant are hereby established:

15 1. LIMITED TO PAYMENTS COLLECTED UNDER DEVELOPMENT
16 AGREEMENTS INVOLVING SOLAR POWER PLANTS. This Resolution shall apply only to payments
17 collected under a development agreement adopted pursuant to Government Code Section 65864 et seq. and
18 the Procedures and Requirements of the County of Riverside for the Consideration of Development
19 Agreements, and involving a solar power plant, notwithstanding the provisions of any other Board Policy;
20 provided, however, that this Resolution shall not apply to any payment collected under such development
21 agreement for the purpose of providing funding for the administration of the development agreement. For
22 the purposes of this Resolution, "solar power plant" shall have the same meaning as defined in Riverside
23 County Ordinance No. 348.

24 2. LIMITED TO SPECIFIC PURPOSES. Appropriation of such payments shall be
25 restricted to County programs for economic and employment development, employee training and
26 retraining, affordable housing, promoting tourism, and other activities and programs to retain, preserve,
27 attract, and grow agricultural, recreational, industrial and commercial uses.

28 3. GEOGRAPHIC LIMITATION. Appropriation of such payments shall be restricted

1 to the area in which payments were collected, including the supervisorial district within which the solar
2 power plant is located; provided, however, that with prior approval of the Board of Supervisors, up to fifty
3 percent of the payments may be used anywhere in the County consistent with the limitations of this
4 Resolution.

5 4. GRANT AUTHORIZATION. Consistent with the limitations of and specific
6 purposes set forth in this Resolution, the Board of Supervisors may appropriate grants to cities or charities
7 or other nonprofit groups, provided that no such grant of funds shall be made to any individual person or
8 any group operated for profit. In addition to the requirements of this Resolution, any grant of funds shall be
9 subject to all legal requirements and limitations applicable to such grants.

10 5. SEPARATE FUND AND ACCOUNTING. All such payments shall be deposited
11 into and disbursed from a separate special revenue fund of the County. Pursuant to Section 65865(e) of the
12 Government Code, accounting with respect to such separate account shall comply with the applicable
13 requirements of Section 66006 of the Government Code.

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