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County & City Ordinances

Both Solano County and the City of Vacaville have adopted ordinances specific to Battery Energy Storage System (BESS) projects, and those ordinances should apply when BESS projects are proposed on agricultural (AG) land.

BESS facilities are typically classified as utility-scale infrastructure, not agricultural operations.

If a developer proposes one on AG-zoned land, the county/city planning board must consider whether itâ€™s a permitted use, conditionally permitted use, or prohibited use under the ordinance.

Solano Countyâ€™s ordinance requires conditional use permits (CUPs) for BESS on AG land.

2. Board/Commission Consideration

The Planning Commission (and in some cases the Board of Supervisors) will have to review:

Consistency with zoning and general plan

Impact on farmland preservation

Environmental review (CEQA)

Water, traffic, fire safety, and visual impacts

Concerns about groundwater/wells falls under environmental and community impact review, so itâ€™s directly relevant.

3. City of Vacaville Ordinance

The City also passed rules that restrict BESS siting on AG land within its jurisdiction, with similar CUP requirements.

If the project is within city limits or sphere of influence, Vacavilleâ€™s ordinance applies alongside Solano Counties.

Before issuing an approval, the board must consider whether the project complies with the BESS ordinance(s) and whether siting on AG land is justified. If the ordinance requires a CUP (which it does for AG land), there should be a public hearing so residents can have a chance to raise concerns.

Even under AB 205, the CEC must consult with local agencies and consider local ordinances, though it has the authority to override local zoning restrictions if it finds the project is needed for state energy goals.

What does that mean for Solano County & Vacaville?

Normally: Solano Counties and Vacavilleâ€™s BESS ordinances control land-use approval, including whether AG land can be used. The Planning Commission and/or

Board of Supervisors would be the decision-makers. But since the project applies under AB 205 to you the CEC: the CEC should consider the local ordinances but is not strictly be bound by them, you can approve a project even if it conflicts with AG land restrictions, though I think that would be controversial and subject to public input and outcry.

So will your board take the control out of the hands of the County and Cityâ€™s and allow a facility to be built in Solano County that serves a different county and provides no benefit to the county it is located in. They get only the risks and dangers?