

10-Day Report on Solano County Interim Urgency Ordinance No. 2024-1852-U as Required by Government Code section 65858(d)

Background

On January 23, 2024, the Solano County Board of Supervisors adopted an interim urgency ordinance (Ordinance No. 2024-1852-U) enacting a temporary moratorium on the issuance of new entitlements for commercial (front-of-the-meter) battery energy storage systems (BESS) in the unincorporated area of Solano County. The Board found that the potential for development of new commercial BESS facilities in Solano County without adequate land use policies and standards in place presents a current and immediate threat to the public's safety and welfare, and that the approval of additional entitlements for BESS facilities would result in that threat to public safety and welfare. The purpose of Ordinance No. 2024-1852-U was to allow County staff time to conduct further research and analysis on the health and safety impacts of BESS facilities, and evaluate various options for land use development policies and standards that should be added to the County's Zoning Regulations.

On February 27, 2024, the Board took action to extend the interim urgency ordinance for an additional 22 months and 15 days, consistent with Government Code Section 65858 (Ordinance No. 2024-1852-U-E). The interim ordinance is set to expire on January 23, 2026. On August 26, 2025, the Board took action to amend the interim urgency ordinance, relaxing the permanent ban in Manufacturing and Industrial zoning districts with specific standards in place, until such time as a permanent ordinance is adopted or the interim ordinance expires (Ordinance No. 2024-1852-U-E Amendment No. 1).

Government Code section 65858, subsection (d), requires that 10 days prior to the expiration or repeal of an interim urgency ordinance, the County issue a written report describing the measures taken to alleviate the condition which led to the adoption of the interim urgency ordinance. This memo serves as that written report describing what has taken place to address the need for the interim moratorium on new front-of-the-meter BESS facilities. This memo will be published with the agenda materials for the Planning Commission's September 18, 2025, more than 10 days in advance of the repeal or expiration of Ordinance No. 2024-1852-U.

Measures Taken to Alleviate the Conditions that Led to the Adoption of Ordinance No. 2024-1852-U

Since Ordinance No. 2024-1852-U was enacted on January 23, 2024, County staff has taken the following actions to alleviate the conditions that led to the adoption of Ordinance No. 2024-1852-U.

Technical Working Group Formed, March 2024: County staff formed a Technical Working Group (TWG) comprised of expert and local stakeholders representing the Solano County Office of Emergency Services, Fire Protection District Fire Chiefs, Solano County Hazardous Materials, Solano County Agricultural Commissioner, California Energy Storage Alliance, and the public.

The TWG generally met monthly from March 2024 through June 26, 2025. The TWG met with national experts on best practices related to BESS facilities, including experts from National Fire Protection Association, Underwriters Laboratories, and Hiller Companies to discuss best practices in fire protection and impact mitigation. The TWG also provided feedback on preliminary drafts of this ordinance.

Public Workshop, July 18, 2024: The Solano County Planning Division hosted a public workshop to gather input on BESS regulations where staff discussed BESS technology, potential community impacts, and Assembly Bill 205's alternative "Opt-In" permitting process.

Board of Supervisors Input, August 12, 2025: County staff gave a presentation on ordinance development and solicited input on BESS-specific land use standards, including setback standards and agricultural land protection.

Additionally, the following activities have been undertaken by County staff:

- Researched national approaches to BESS ordinances as potential models for updating Chapter 28 of the Solano County Zoning regulations through a zone text amendment process.
- Analyzed State laws impacting County standards and policies, including the California Fire Code and SB 38.
- Utilized County geographical information system (GIS) to evaluate County electrical substation locations, their surrounding land uses and verify potential radii around each for potential BESS locations.
- Attended training programs on best practices related to BESS facilities.
- Collaborated with other jurisdictions and agencies to share knowledge and develop “best practice” standards.
- Developed public information materials that sought stakeholder input on BESS health and safety topics.
- Considered public input regarding proposed standards in the BESS ordinance.

Next Steps

The above reflects the actions taken during the period since Ordinance No. 2024-1852-U was enacted on January 23, 2024. County staff is now prepared with a proposed permanent ordinance for consideration by the Planning Commission and the Board of Supervisors, which will regulate front-of-the-meter BESS in Solano County and alleviate the current and immediate threat these facilities pose to public health, safety, and welfare.