

# 'Solar gold rush' invades farmland

## *Farm Bureau sues over canceled conservation contract*

**Tim Hearden, Capital Press Ag Weekly, 11-10-11**

SACRAMENTO -- Fresno County leaders were too quick to join a "solar gold rush" and improperly nixed a conservation contract on prime farmland, an environmental lawyer says.

The county's Board of Supervisors decided in August to cancel a Williamson Act contract to make way for a 90-acre solar project near Coalinga. But the decision didn't meet the high legal threshold for canceling the farmland conservation contract, said Chris Scheuring, attorney for the California Farm Bureau Federation.

The Farm Bureau announced Oct. 31 it was suing the county, alleging that supervisors overstepped their authority when they determined that nixing the contract in favor of the utility-scale solar project was in the public's interest.

"The Williamson Act is not just another entitlement hurdle for landowners to overcome," he said. "It's state law."

Dozens of other solar projects in the San Joaquin Valley are in the planning stages, and the Farm Bureau is asking the Fresno County Superior Court to establish a precedent, Scheuring said.

"There's something like 30 projects pending or on the horizon in Fresno County alone, and tens of thousands of acres elsewhere in the state," he said. "It's a good time to sort this out in the court system."

At stake is prime farmland, much of it protected under the state's Williamson Act. The four-decade-old act provides lower tax assessments for landowners who enter contracts with their counties to keep their land in agriculture for at least 10 years.

However, state reimbursements to counties for the program have dropped to zero in recent years, forcing counties to make up the difference as they balance their budgets.

"We don't want counties to be too inclined to pursue the money in taxes and jobs from a burgeoning solar industry," Scheuring said. "We want to send the right signal to the counties that solar is great, just do it right."

Fresno County Counsel Kevin Briggs responded that supervisors consider Williamson Act cancellations on a case-by-case basis and that the property involved has had reduced access to water.

"Fresno County is most likely the largest agricultural county in the nation and it's a very large producer of many agricultural crops," Briggs said. "The board is very cognizant of that and protective of its agricultural economy, but ... taken into account all the facts the board had in front of it, the board made the determination that this Williamson Act contract should be canceled."

The project proposed by Huron-based Westlands Solar Farms is near a Pacific Gas and Electric Co. substation and would generate 18 megawatts of electricity -- enough to power as many as 18,000 homes, the Fresno Bee reported.

The project is one of the first to go before the Board of Supervisors for Williamson Act cancellation, and as

such, board members cautioned that their decision did not mean that every solar project would take precedence over farmland, the Bee reported.

A county committee had recommended that the board deny the project, noting the state attorney general's office has advised that cancellations are impermissible "except upon extremely stringent conditions." In the last eight years, the land was able to grow honeydew melons, lettuce, spinach and tomatoes, according to a report to the board.

The lawsuit places the state Farm Bureau in the odd position of opposing a willing property owner's wishes. The organization recently litigated on behalf of farmers' property rights in Siskiyou County, where the state Department of Fish and Game was requiring special permits for irrigation.

However, it isn't the first time the Farm Bureau has sued to stop development of prime farmland that had been under a Williamson Act contract. Scheuring was unsuccessful recently in his bid to halt a housing subdivision in Merced County, he said.

"Every farmer's got to make his own decision about what to do with his property," Scheuring said. "We're not here to stand in the way of any farmer taking advantage of the opportunities his property affords him. But in this case ... the landowner voluntarily promised to keep his land in agricultural production for 10 years and wants to break that promise now.

"Just because the developer is waving cash at him and the county, we don't think that's the way the Williamson Act was meant to be administered," he said.