

New law reduces local role in solar projects

Jim Miller, Press-Enterprise, 10-8-11

SACRAMENTO -- Legislation signed this week by Gov. Jerry Brown will reduce Inland Southern California local governments' say over the sun-soaked region's solar industry.

The bill, SB 226, deals mostly with easing state environmental quality rules for urban infill projects and solar panels on roofs and in parking lots.

But a provision tacked on in the final hours of the legislative session that ended Sept. 9 would expand the California Energy Commission's jurisdiction over solar projects.

The energy commission has approved several large-scale solar projects designed to produce 4,300 megawatts of electricity. Most of the projects are in Riverside and San Bernardino counties, home to plentiful sun and nearby transmission lines.

Changing economics, however, are prompting some developers to reconsider their electricity-generating technology.

Some solar farms licensed to use steam-generating mirrors now want to use photovoltaic panels, the same type of technology used in rooftop solar systems. The change reflects a significant drop in the price of solar panels in recent months.

Current law gives local governments jurisdiction over all solar panel projects. But under the law taking effect Jan. 1, developers of previously approved projects can bypass the local permitting process and go straight to the state agency for a simple change to their license.

In a signing statement, Brown said the law will "avoid costly and repetitive permitting" for renewable energy projects.

The issue sets local governments' historic land-use authority against the state goal of generating a third of its electricity from renewable sources by 2020 as a way to reduce emissions blamed for climate change.

Brown has come down firmly on the side of renewable energy producers. At a July conference, the governor vowed that the state would "crush" local opposition to photovoltaic projects.

Local government officials criticized the law. They fear that the law is a first step toward giving Sacramento control over all photovoltaic solar projects; Riverside County alone has 118,000 acres slated for solar development.

"The camel's nose is in the proverbial tent," Riverside County Assistant County Counsel Katherine A. Lind said. "We really believe that local control is critical. These solar projects will change the county's landscape forever."

The Riverside County Board of Supervisors had urged the bill's veto. The measure's "serious flaws and ambiguities" will lead to litigation, Supervisor Bob Buster warned in a Sept. 15 letter.

Solar Trust of America, the developer of a 1,000-megawatt solar energy project near Blythe that would be the largest in the world, announced in August that it wanted to use photovoltaic panels instead of the steam-

generating mirrors.

Edward Sullivan, a spokesman for Solar Trust of America – previously known as Solar Millennium -- said the company welcomes the legislation and will pursue its change with the California Energy Commission.

“They’ve already gone through a very rigorous process and there’s no need to do it again just because of a change in technology,” Sullivan said of projects approved by the state agency.

The law also could complicate Riverside County’s efforts to impose a mitigation fee on large-scale solar farms.

A June proposal for a 2 percent franchise fee would generate up to \$38 million; the board is set to review the issue next month. Industry critics say the charges would reduce the number of solar-energy jobs as well as violate a voter-approved initiative limiting fees.

In the case of Solar Trust, for example, current law would give Riverside County a say in the company’s change to solar-panel technology and potential leverage in fee negotiations. That goes away Jan. 1.

“They appear to be avoiding local governments to the extent they can,” Lind said of the solar industry. “I suspect our solar-payment proposal is increasing their efforts.”

Sullivan, however, said this week’s law has no effect on the fee talks. The company still needs various permits from the county, he said.

Lawmakers representing Riverside County split in last month’s vote. State Sen. Juan Vargas, D-San Diego, whose district includes part of the Coachella Valley, was a co-author. State senators Bill Emmerson, R-Hemet, Bob Dutton, R-Rancho Cucamonga, and Joel Anderson, R-Alpine, voted no.

In the Assembly, meanwhile, the county legislative delegation either supported the bill or did not vote.