

RESOLUTION NO. _____

WHEREAS, this Board has adopted policies stating this Board is committed to meeting customers' electrical energy needs (SD-4); demonstrating environmental leadership through community engagement, continuous improvement in pollution prevention, carbon reduction, energy efficiency, and conservation (SD-7); and providing a power supply that is sustainable (SD-9); and

WHEREAS, SMUD's Solano Wind Project in the Solano Wind Resource Area, Solano County, now has a rated capacity of 230 MW of wind energy; and

WHEREAS, the **Solano 4 Wind Project (Project)** proposes to increase capacity by up to 91 MW to a total of 306 MW by decommissioning existing wind turbine generators (WTGs) at the Project site, constructing new, more technologically advanced WTGs, constructing an associated electrical collection system and access roads, implementing minor upgrades to the existing Russell Substation, and operating and maintaining the new WTGs; and

WHEREAS, the **Project** would help reduce the greenhouse gas footprint of SMUD's electrical generation portfolio, advance achievement of SMUD's **2030 Carbon Plan**, and help make progress toward State goals in addressing the global climate crisis; and

WHEREAS, as required by the **California Environmental Quality Act (CEQA)**, a **Notice of Preparation** was made available for public review on January 9, 2019, and a public meeting was held on January 22, 2019; and

WHEREAS, the **Project Draft Environmental Impact Report (DEIR)** was issued on July 23, 2019, and **Notice of Availability** letters were sent to relevant

agencies and members of the public within one mile of the **Project**, and a public meeting was held on August 20, 2019; and

WHEREAS, public comments received during the 45-day public review period were addressed in the **Project Final Environmental Impact Report (Project FEIR)**, which provides the **CEQA** analysis for the **Project**, and the **Mitigation Monitoring and Reporting Program** incorporated environmental avoidance, mitigation and improvement measures; and

WHEREAS, the **Project FEIR** was issued for public review for a 10-day period on July 30, 2021; and

WHEREAS, the **Project FEIR** identifies potentially significant impacts that may result from construction and operation of the **Project**, and most impacts (e.g., aesthetics, biological, archaeological, historical, and Tribal cultural resources, geology and soils, greenhouse gas emissions and energy, hazards and hazardous materials, hydrology and water quality, land use, noise, and transportation) are mitigatable, but certain construction impacts to air quality cannot be mitigated to a less-than-significant level and would remain significant and unavoidable, which requires the SMUD Board of Directors to make a **Statement of Overriding Considerations** when certifying the **Project FEIR** and approving the **Project**; and

WHEREAS, the **Project FEIR** and **Mitigation Monitoring and Reporting Program** are located in the records of SMUD under the custody of the Environmental Services Department; and

WHEREAS, the **Project** site is located within the **Solano County Wind Resource Area (WRA)**; and

WHEREAS, the **Project** is not subject to the jurisdiction of the **Solano County Airport Land Use Commission (ALUC)** for numerous reasons, including due to the public power generation zoning exemption in Government Code Section 53091; federal preemption pursuant to the authorities empowering review by the **Federal Aviation Administration**; and the **State Aeronautics Act (Act)** does not grant the **ALUC** the power to review individual projects; and

WHEREAS, in the spirit of inter-agency comity, on April 1, 2021, SMUD submitted an application for advisory review by the **ALUC** of the **Project's** consistency with the **2015 Travis Air Force Base Land Use Compatibility Plan (Travis Plan)**; and

WHEREAS, on May 20, 2021, the **ALUC** erroneously determined that the **Project** is incompatible with the **Travis Plan**; and

WHEREAS, the **Act** grants SMUD the power to overrule the **ALUC's** determination pursuant to Public Utilities Code Section 21676 by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of the **Act**; and

WHEREAS, in the **Findings that the Solano 4 Project Is Consistent with the Purposes of the State Aeronautics Act ("Findings")**, which are attached as Attachment ____, the Board has made specific findings, that the **Project** is consistent with the purposes of the **Act**; and

WHEREAS, Government Code Section 53091(e) exempts a local agency's power generation projects from zoning ordinances; and

WHEREAS, Government Code Section 53096 authorizes the governing board of a local agency, by vote of four-fifths of its members, to render a city or county

zoning ordinance inapplicable to a proposed use of property if the local agency at a noticed public hearing determines by resolution that there is no feasible alternative to its proposal; and

WHEREAS, mailed notice was provided on August 9, 2021, to the owners of all property within 300 feet of the location of the **Project**, and a notice was posted in a conspicuous place at the **Project** site; and

WHEREAS, in the **Findings that That There Is No Alternative to the Project (“Section 53096 Findings”)**, which are attached as Attachment ____, the Board has made specific findings, that there is no feasible alternative to the **Project**;

NOW THEREFORE,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SACRAMENTO MUNICIPAL UTILITY DISTRICT:**

Section 1. This Board has reviewed and considered the information in the **Solano 4 Wind Project (Project) Final Environmental Impact Report (FEIR)** and **Mitigation Monitoring and Reporting Program** and (1) certifies that the **Project FEIR** complies with the **California Environmental Quality Act (CEQA)**; (2) adopts the **Mitigation Monitoring and Reporting Program**, as set forth in **Attachment ____**; (3) adopts the **California Environmental Quality Act Findings and Statement of Overriding Considerations in Connection With the Solano 4 Wind Project** as set forth in **Attachment ____**; and (4) approves the **Project**.

Section 2. This Board finds that the **Project** is exempt from the local zoning ordinances, including the **Travis Air Force Base Land Use Compatibility Plan**, pursuant to California Government Code section 53091(e).

Section 3. In the alternative, this Board further determines and adopts **Findings** that there is **No Feasible Alternative** to the **Project**, rendering zoning ordinances inapplicable to the **Project** also pursuant to California Government Code section 53096 as set forth in **Attachment ____**.

Section 4. This Board further determines the **Project** is consistent with purposes of the **State Aeronautics Act** and adopts **Findings**, overruling a determination by the **Solano County Airport Land Use Commission** that the **Project** is inconsistent with the **Travis Air Force Base Land Use Compatibility Plan** pursuant to Public Utilities Code sections [s 21676 and 21676.5](#) as set forth in **Attachment ____**.

Section 5. The Environmental Services Department is directed to file with the County Clerk of Sacramento County, a Notice of Determination, which shall set forth the information required by **CEQA**.

Section 6. Staff is directed to notify **Solano County** that the Board has made **Findings** there is **No Feasible Alternative** to the **Project**, rendering zoning ordinances, including the **Travis Air Force Base Land Use Compatibility Plan**, inapplicable to the **Project** pursuant to California Government Code Sections 53091 and 53096.