

**BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO**

**AN ORDINANCE OF THE SAN BENITO COUNTY ) Ordinance No. \_\_\_\_\_**  
**BOARD OF SUPERVISORS APPROVING A )**  
**FIRST AMENDED DEVELOPMENT AGREEMENT )**  
**WITH PANOCH VALLEY SOLAR, LLC )**  
**REGARDING THE PANOCH VALLEY )**  
**SOLAR FARM PROJECT )**

The Board of Supervisors of the County of San Benito ordains as follows:

**SECTION I.**  
**PANOCH VALLEY SOLAR FARM PROJECT**  
**FIRST AMENDED DEVELOPMENT AGREEMENT**

San Benito County (the “County”) and Panoche Valley Solar, LLC (“PVS”), the developer of the Panoche Valley Solar Farm Project, which is being constructed on parcels identified by the San Benito County Assessor’s Parcel Numbers described in and/or shown on the attached **Exhibit A**, which is incorporated herein by reference, have negotiated an amendment to the Development Agreement between the County and Solargen Energy, Inc. (predecessor in interest to PVS), adopted November 10, 2010 (Ordinance No. 862). The amended Development Agreement is titled the First Amended Development Agreement (“FADA”), which is attached hereto and incorporated herein by reference as **Exhibit B**. The FADA is hereby approved. Development of the Panoche Valley Solar Farm Project shall be governed by the terms of the FADA. The Resource Management Agency Director is authorized to execute the FADA on behalf of the County. To the extent any conflict may exist between the provisions reflected in County Code, Title 19, Chapter 19.11 and the provisions reflected in the FADA, the Board hereby ordains that, for purposes of the Panoche Valley Solar Farm Project, the provisions in the FADA shall prevail and hereby amends Chapter 19.11 accordingly.

**SECTION II. FINDINGS**

In support of this ordinance approving the FADA, the San Benito County Board of Supervisors hereby makes the following findings and determinations, as set forth in **Exhibit C**, which is incorporated herein by reference, as recommended by the Planning Commission in Planning Commission Resolution No. \_\_\_\_\_ and based on the evidence set forth in Exhibit C and on the entire administrative record, including all written and oral testimony received.

**SECTION III. SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors declares that it would have enacted this ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION IV. CAPTIONS**

The titles and headings to the sections hereunder are not part of this ordinance and shall have no effect upon the construction or interpretation of any part hereof.

**SECTION V. CODIFICATION, EFFECTIVE DATE, AND PUBLICATION**

This ordinance shall not be codified. This ordinance shall take effect thirty (30) days after its adoption, and before expiration of ten (10) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation in the County of San Benito, State of California. The effective date of the FADA shall be the effective date of this ordinance, so long as the FADA has been signed by PVS and Resource Management Agency Director, pursuant to section 19.11.008(D) of the County Code. If both parties have not signed the agreement as of the effective date of this ordinance, the effective date of the FADA shall be the date the FADA has been executed by both parties.

The foregoing ordinance was passed and adopted by the Board of Supervisors of the County of San Benito, State of California, at the meeting of said Board held on the 12th day of December, 2017, by the following vote:

AYES: SUPERVISOR(S):  
NOES: SUPERVISOR(S):  
ABSTAIN: SUPERVISOR(S):  
ABSENT: SUPERVISOR(S):

\_\_\_\_\_  
Jaime De La Cruz, Chair

ATTEST:  
Clerk of the Board

APPROVED AS TO LEGAL FORM:  
San Benito County Counsel's Office

By:\_\_\_\_\_

By:\_\_\_\_\_  
Barbara Thompson  
Acting Assistant County Counsel

Date:\_\_\_\_\_

Date:\_\_\_\_\_