

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of July 16, 2015

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Cayler, Walker, Hollingsworth and Chairperson Rhoads-Poston

EXCUSED: None

STAFF PRESENT: Bill Emlen, Director, Resource Management; Mike Yankovich, Planning Program Manager; Nedzlene Ferrario, Senior Planner; Jim Laughlin, Deputy County Counsel; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

There was no one from the public wishing to speak.

1. **PUBLIC HEARING** to consider **Zone Text Amendment No. ZT-12-04** to consider a recommendation to the Board of Supervisors to adopt an ordinance amending Chapter 28 (Zoning Regulations) to establish land use regulations for commercial solar energy facilities and on-site solar energy systems within the unincorporated territory of the County of Solano. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Nedzlene Ferrario)

Mike Yankovich provided some background information on the zone text amendment. In 2013, the Board of Supervisors enacted a moratorium prohibiting development of commercial solar facilities, but that moratorium will expire on October 18, 2015. Because the county's zoning ordinance does not specifically address commercial solar facilities, the county would have processed a proposal for a commercial solar facility as a public service facility prior to the Board's enactment of the moratorium. A public service facility is a conditionally permitted land use in most zoning districts, including the County's agricultural and residential zoning districts. When the moratorium expires in October, the County would once again process commercial solar proposals as public service facilities unless the ordinance is amended to include regulations specifically addressing commercial solar facilities. Mr. Yankovich noted that currently there are no commercial solar facilities operating within the unincorporated area of the county.

Nedzlene Ferrario gave a brief presentation of staff's written report. The report indicated that the revised draft ordinance proposes to prohibit commercial solar energy facilities in zones which promote agriculture, residential lifestyle and protects environmentally sensitive areas; and

conditionally allowing such facilities in certain commercial and industrial zoning districts. The draft proposes allowing solar energy facilities that provide power for land uses or operations on the property, ground mounted or rooftop, in any zone; and regulated as incidental or accessory to the existing land use operations. Ms. Ferrario noted that the draft is consistent with the Agricultural Advisory Committee (AAC) recommendation.

Chairperson Rhoads-Poston referred to a statement made by the AAC that the ground underneath the solar panels will become useless after 20 years. She wanted to know how that data is supported. Mr. Yankovich stated that there was no actual research to support that idea, but that it was based upon the perspective of the farmer. It was their thought process that it would be difficult to bring the soil back to a condition to where they could grow crops or be able to maintain the grazing of the property.

Commissioner Cayler commented that if the solar panels are set in concrete that would certainly affect the condition of the soil.

Bill Emlen, Director, Resource Management, stated that he believed the AAC was concerned there would be less likelihood the soil would be restored and farming returned, and sets in motion a permanent conversion of agricultural land. He noted that these types of activities are happening in other counties and Solano County is learning more as that process occurs. He made reference to Fresno County and noted that there have been several commercial scale solar facilities constructed there, and over time it will be seen how that use affects the viability of agriculture in those areas.

Commissioner Walker inquired about a property owner's recourse if they own agricultural land but it was not viable for agricultural use.

Mr. Yankovich stated that he did not believe there is agricultural land in the county that cannot be used for some purpose, be it grazing or row crop. He stated that the county has not been approached thus far by a landowner who has indicated they cannot farm their property in some manner.

Commissioner Walker said that he brought up this issue because he recalled when this matter came before the commission in 2013 there were many speakers who touched on the subject. Mr. Yankovich said that he believed the concern was more with what the landowner would like to do vs what they can do on their property.

In response to Chairperson Rhoads-Poston's inquiry about public outreach, Mr. Yankovich responded that the Farm Bureau and AAC have held meetings and have been involved in this process. He said there has been adequate outreach and in some instances not all of the property owners were individually notified, but there was notification with regards to the amendment.

Chairperson Rhoads-Poston opened the public hearing.

Barry Sgarrella, Solagra Corporation, 1100 Cabro Ridge, Novato, spoke regarding the Solagra solar project. He said construction of the solar arrays will not be installed with the use of

concrete, but will be supported by driven steel pilings. The pilings are driven deep enough to support both the lateral and horizontal loads. Mr. Sgarrella noted that they have consulted with UC Davis to insure they will be able to grow effective crops beneath the solar arrays. He said the system being proposed will allow plenty of room for mechanical harvesting and traditional farming operations to continue growing useful crops beneath. Mr. Sgarrella explained that running construction equipment over any land will cause a certain amount of compaction and they plan to remedy the issue by plowing and discing the land after the solar arrays are installed. There will be a small amount of construction equipment within the area but most of the project will be reached from the outside using large cranes. As far as chemical changes that could occur, he stated that this will not be an issue because the land will not be exclusively in the shade. He explained they will have single access tracking solar panels that are controlled by computers so that the panels will move at different hours of the day to allow certain percentages of the day's sunlight onto the crops beneath.

Mr. Sgarrella explained that in the second phase of the project they will use specially designed thin film solar panels that have slots so as the sun traverses, the shadow that comes onto the crops will be constantly moving. Mr. Sgarrella stated that he has reviewed the ordinance and the specific exception that relates to the Solagra project. He said they certainly want to see a clear path forward and once they have demonstrated they are able to sustain agriculture according to the definition imposed by the AAC, they will be able to expand the project.

Commissioner Cayler asked about the amount of acreage that will be used on Ryer Island. Mr. Sgarrella said they will install solar panels on 2.2 acres, noting that they will have adjacent control plots of 5 acres which will grow the same crops as those beneath the solar panels to provide some comparisons.

Commissioner Cayler inquired as to why this project is not being operated on land at UC Davis. Mr. Sgarrella responded that they have done testing with the equivalent of a movable panel at UC Davis in a 10,000 square foot shade house. He said at this point they need to expand the project because they have received criticism from various sources who say the demonstration project is being proposed on Ryer Island, and to test it anywhere else does not make sense because the soil on Ryer Island is different than the soil at UC Davis.

Beth Tincher, SMUD, 6201 S. Street, Sacramento, stated that SMUD owns property in the county zoned exclusive agriculture, and although SMUD does not currently have plans to develop solar on the property, they would like to reserve the opportunity to make a proposal in the future. She commented that some of the property is zoned water based industrial and affords the opportunity for both wind and solar and they would like to maintain that zoning. Ms. Tincher said they believe there are areas that exist that are non-prime which are marginal as far as their ability to produce ag, and those areas could be used for community or social benefit. Ms. Tincher said the state mandates that SMUD provide 33% of their energy portfolio in renewable energy resources by 2020, which could possibly be increased to 50% with new legislation being proposed. She said SMUD believes the county has the ability to evaluate any concerns regarding environmental placement, design, or decommissioning through a discretionary action.

Since there were no further speakers, Chairperson Rhoads-Poston closed the public hearing.

Commissioner Cayler commented on her recent trip to Germany stating that Germany has set a standard to becoming independent with renewable energy and has numerous wind turbines. She saw many buildings and barns containing solar panels but did not see panels located on prime farmland. She commented that Germany is making great progress toward being independent from outside sources for utilities. Commissioner Cayler said that while in Spain a few years ago she observed solar panels on prime ag land and for someone who grew up on a farm, it really bothered her to see that. She said solar panels should be encouraged on buildings and barns and not on agricultural lands.

Mr. Yankovich stated that currently there is no way to evaluate whether a land is productive or non-productive. The determination of agricultural land is based on soil as listed by the State Department of Conservation.

Bill Emlen stated that the county is looking at trying to set a base policy with regard to renewable energy. He said that it is recognized that this is a changing situation and the county is not prohibiting making adjustments to its ordinance as needed to address green energy issues. The county has already seen some of the impacts with regard to wind energy. He stated that this is a good way to reset and establish a baseline and down the road if circumstances arise, the county is not precluded from making adjustments.

Commissioner Walker recalled that when this matter previously came before the commission there was great disparity in the discussion between prime and non-prime amongst members of the AAC. Speakers espoused the benefits of the use of their property for agricultural uses and there were a few landowners who were completely against the idea of restricting the possibility of using prime or non-prime land as a commercial utility scale project. At that time it was sent back to the AAC to reach a consensus as to how the policy should move forward and he believed they had reached a consensus. He also recalled that the discussions ran parallel to a project applicant scoping session with other large utility scale proponents reaching out on this issue.

Commissioner Walker stated that given climate change, the county has to continue to think outside the box as to meeting the state's renewable energy goals, and to balance the need for agricultural production for continued population growth in the region. He said that while the county's general plan talks about policies to promote and encourage solar energy projects, the largest and most important, in his opinion, is that the county has to preserve agriculture. He said that it is so important that it is the first and second goal of the agricultural element to the general plan, and is the predominant land use. He stated that specific policies talk about how these kinds of projects are not compatible with agricultural uses.

Commissioner Walker noted that last year the Airport Land Use Commission modified compatibility policies and set forth additional criteria so that these types of projects do not impede or impose upon the footprints of Travis AFB and other airports as well. Mr. Walker stated that he is very interested in seeing what happens with the Solagra project because if that ultimately creates a way that the county can sustain viable farming and solar energy to that kind of scale, then discussion can occur with regard to revising the ordinance. For now he said solar energy is more practical on a smaller scale by covering parking lots, rooftops, and the like, and

covering agricultural land that is needed to grow crops or use for grazing is not wise.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Cayler to determine that Categorical Exemption Section 15308, Class 8 of CEQA is appropriate, and adopt a resolution recommending that the Board of Supervisors approve the Ordinance amending Chapter 28 of the Solano County Code. The motion passed unanimously. (Resolution No. 4623)

2. **ANNOUNCEMENTS and REPORTS**

There were no announcements and reports.

3. Since there was no further business, the meeting was **adjourned**.