

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of December 6, 2007

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 Moore, Barnes, Mahoney, Barton and Chairperson McAndrew

EXCUSED: _____

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Karen Avery Senior Planner; Ken Solomon, Contract Planner; Jim Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-05-25 and Final Environmental Impact Report for the **Shiloh II Wind Project**, as sponsored by Shiloh Wind Partners LLC, and to certify the Final Environmental Impact Report, as amended, adopt the Statement of Overriding Considerations and to approve the Use Permit and Mitigation Monitoring & Reporting Program to construct a 176 megawatt (MW) wind power project with up to 88 wind turbines on about 6,100 acres of land in the Montezuma Hills area. (Project Planner: Ken Solomon) **Staff Recommendation:** Continue to a date certain

Commissioner Mahoney excused himself from this item due to a conflict of interest.

Ken Solomon explained that this item was first brought before the planning commission in March of 2007, and has been continued three times. He noted that all three continuances have been requested by enXco to allow additional time in effort to resolve the radar issues at Travis AFB. The issues generally involve the existing ASR 8 radar installation and the future installation of the ASR 11 system. Mr. Solomon noted that since this item was last before the commission in October, the applicant has worked extensively with Travis and other air force agencies. The air force is currently reviewing and assessing information submitted to them by the applicant, and the timing for completion of the review of that information is presently unknown. Mr. Solomon stated that to keep the momentum going, enXco has requested another continuance. Staff offered a continuance date of February 7, 2008 for consideration.

Mr. Solomon indicated that the applicant furnished to staff a letter from the Air Mobility Command which addresses the present understanding of the air forces' review of the latest information, and provides an opinion of the air mobility command, and in staff's position,

reasonable justification for an additional continuance. He noted that the planning commission was provided this letter at the start of tonight's meeting.

Annie Mudge, permitting counsel to enXco, provided a status update on where the project currently is in the process. She explained that when this item was before the commission at the last public hearing, a letter from the Wing Commander at Travis AFB was distributed indicating their preference that this project be delayed until after the installation of the new radar slated to be installed in late 2008. She indicated that a delay of that kind for this project is extremely problematic for enXco. Ms. Mudge stated that there are multiple millions of dollars invested in this project and contractual commitments that enXco has made to third parties, and waiting could result in a potential loss of reduction tax credits which expire at the end of next year. She stated that they have been working closely at all levels of the air force to try and reach a solution to this problem, and she believes they have made significant positive progress.

Ms. Mudge indicated that a Joint Technical Committee has been formed to implement the Department of Defense policy to try a site-by-site evaluation where there are wind radar interactions, and to reach a mutually satisfactory solution to both parties. She stated that their efforts have been elevated to the very highest levels of the air force, and they have been in discussions with the representatives of several pertinent agencies. She stated that this week experts have been at Travis AFB working together to do a systems optimization of the ASR 8. She stated that the data looks promising and they believe that they are paving the way to reaching an agreement. Ms. Mudge stated that because the air force is still evaluating that data, the applicant recognizes that Travis is not going to change their position, and because of that, enXco is asking for an additional continuance to the next meeting of December 20th.

Commissioner Barnes felt that the commission should hold off on any project presentations until the meeting on December 20th. Chairperson McAndrew stated that she believed that any information provided is meant to further enhance the commission's knowledge.

Commissioner Moore stated that both the applicant and the air force are working hard to come to an agreement. He stated that in his point of view, the parties involved should have the priority of setting the date for continuance. He stated that the commission has asked these individuals to work hard at coming up with a solution, and he believed the commission should support their request the best they can.

Chairperson McAndrew stated that the people who are in attendance at the meeting and are prepared to speak should be provided the opportunity to make their presentation. Commissioner Barnes felt that since the item is recommended for continuance and changes are expected to take place, the testimony given tonight might not be pertinent in the future.

Commissioners Barton, Moore and McAndrew indicated that they were interested in hearing from those who wished to speak.

Geoff Blackman, 2609 Turnbridge Court, Norman, OK, 73072, stated that he is part of an engineering group working for the FAA. He provided a technical presentation with regard to the radar and the analysis that has been performed to date.

Colonel G. I. Tuck, Travis AFB, stated that they have been working very aggressively to come to a mutually agreeable solution. He referred to a letter dated March 8 and a letter dated September 11, 2007, where Colonel Arquette raised concerns that the proposed Shiloh II Wind Turbine project could create significant interference with the Installation's air traffic control radar, and might lead to serious flight safety hazards affecting the local community. He stated that these concerns were raised when the existing radar at Travis began to experience dropped targets over the wind resource area. He indicated that Travis AFB is in the process of installing and activating a new radar system. The new system will not be operational until October 2008. Colonel Tuck stated that since the last planning commission meeting, the Joint Technical Committee has met several times and has had frequent discussions about possible solutions to the identified problems. EnXco has provided the air force with data on the project impacts of the Shiloh II wind turbines to the existing and planned radar systems at Travis, and air force experts are currently reviewing that data.

Colonel Tuck stated that validation of enXco's data is critical for the air force to be able to determine with some confidence that the addition of wind turbines will not increase the problems already experienced in the wind resource area. He indicated that radar engineers and technicians have been at Travis in an effort to mitigate the existing problem. He stated that the effort to improve the existing radar performance is not a solution to the problems caused by wind turbines, but they are hopeful the effort will improve the situation in the near term. He indicated that the air force is also evaluating the potential for using supplemental data from the Stockton ASR 11 and/or the McClellan ASR 9 radar systems as a means of optimizing the current and planned radar systems at Travis. He explained that they are trying to determine whether the optimization technique can reduce the radar impacts caused by current wind resource area wind turbine activity, however no conclusions have been reached. Colonel Tuck stated that Travis does not oppose the request by the applicant for an additional continuance in this matter. He believed that the date of December 20th is very optimistic and believed that mid January would be a better target date.

John Foster, 3003 Gulf Drive, Fairfield, stated that he did not believe any new information has been brought forward, and felt that some of the arguments made by the consultants are wishful thinking and not addressing a solution. He stated that a compromise of public safety is not acceptable. With regard to neutral impact, Mr. Foster did not agree with the consultant's belief that there is no impact. He encouraged the applicant to withdraw his application and to come back before the commission when solutions are found, and start over instead of having the air force pressured to try and work with these quick solutions and constantly changing data.

Since there were no further speakers, Chairperson McAndrew closed the public hearing.

Commissioner Barnes stated that he would be in favor of this item being continued to the regular meeting of February 7th.

A motion was made by Commissioner Barnes and seconded by Commissioner Barton to continue this item to the regular meeting of February 7, 2008. The motion passed 4-0.

2. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-04-15 of **B & M Farms** to adjust property lines between two existing parcels where both parcels are under Williamson Act Contract No. 24. The parcels are currently 160 acres in size. After the lot line adjustment the parcels will be 121 acres and 199 acres in size. The property is located at 6913 Pitt School Road in an "A-80" and "A-40" Exclusive Agricultural Zoning District, 3 miles east of the City of Vacaville, APN's: 0141-090-180 and 0141-100-010. This consideration has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief description of the project. She stated that the proposed project consists of a lot line adjustment to move the common property line between the two parcels to the centerline of the Solano Water Agency canal. The lot line adjustment will reconfigure APN 0141-090-180 so that all of the parcel would be west of the canal. As a result of the lot line adjustment, APN 0141-090-180 will contain 121 acres and APN 0141-100-010 will contain 199 acres.

Both parcels are currently under Williamson Act Contract No. 24. No changes to the Williamson Act Contract or to the Agricultural Preserve are required as a result of the lot line adjustment as no outer contract boundaries are affected.

Chairperson McAndrew opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Moore and seconded by Commissioner Barton to adopt the suggested findings and approve Lot Line Adjustment Application No. LLA-04-15, subject to the recommended conditions of approval. The motion passed 5-0. (Resolution No. 4481)

3. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-04-12 of **B & M Farms** to adjust property lines between four existing parcels where all parcels are under Williamson Act Contract No. 24. The parcels are currently 2.00 acres, 212.84 acres, 222.34 acres, and 158.15 acres. The adjustment will result in four parcels of approximately 10 acres, 204.84 acres, 232.24 acres and 148.18 acres in size. The property is located at 6913 Pitt School Road in an "A-40" and "A-80" Exclusive Agricultural Zoning District, 3 miles east of the City of Vacaville, APN's: 0141-050-040, 140, 130 and 120. This consideration has been determined not to have a significant effect on the environment and

is categorically exempt from the California Environmental Quality Act. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief presentation of staff's written report. She stated that the proposed project consists of a lot line adjustment to move the common property line between the two parcels that border the canal to the centerline of the Solano Water Agency canal. She also noted that as part of the lot line adjustment the 2.0 acre parcel located along the Southern Pacific Railroad easement is being relocated and enlarged to 10.0 acres in size. This 10.0 acre parcel will be located off of Pitt School Road. Ms. Avery noted that all four parcels are currently under Williamson Act Contract No. 24. No changes to the Williamson Act Contract or to the Agricultural Preserve are required as a result of the lot line adjustment as no outer contract boundaries are affected.

David Availa, Western Design Company, spoke on behalf of the applicant. He stated that the intent of the adjustment is to make the parcels integrated so that the applicant can install a new irrigation system. He indicated that they want to move the lot so that it is accessible to Pitt School Road and they could potentially sell the property in the future or move a family member onto the property.

Chairperson McAndrew opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Barnes and seconded by Commissioner Barton to adopt the suggested findings and approve Lot Line Adjustment No. LLA-04-12, subject to the recommended conditions of approval. The motion passed 5-0. (Resolution No. 4482)

4. **PUBLIC HEARING** to consider to receive public comments and consider for recommendation to the Board of Supervisors the application for a two-year extension of Major Subdivision No. S-01-03, as submitted by **Dove Creek Partners**, for the previously approved Tentative Subdivision Map to subdivide approximately 80 acres, comprising two parcels, into thirty-two single-family rural residential lots ranging in size from 1.3 to 3.8 acres, plus additional common area parcels. The project includes off-site road improvements that would improve and/or extend Dove Creek Trail from Peaceful Glen Road to Cantelow Road, to County public road standards. The property is located at 7471 Dove Creek Trail, in the English Hills area, Vacaville, APN's: 0105-080-460 & 470, plus off-site road improvements on part of 0105-080-160; 0105-050-240, -250, -290, -320; and, 0105-110-600, -610, -620, -630, and -640. A Mitigated Negative Declaration was previously certified for the project. (Project Planner: Ken Solomon) **Staff Recommendation:** Approval

Ken Solomon briefly reviewed the staff report. He stated that the Planning Commission, on September 15, 2005, recommended approval of the project and the Board, on December

13, 2005, granted approval. The rezoning and Policy Plan Overlay District regulations took effect on January 13, 2006. The Tentative Subdivision Map was approved for a period of two years, and will expire on December 13, 2007 unless the Final Map or an extension is filed by that date and either is subsequently approved. He noted that the applicant is requesting the extension due to circumstances related to negotiations with landowners in order to obtain the necessary right of way for the road improvements for Dove Creek Trail, and also to environmental clearances associated with the various regulatory agencies, and project financing.

Chairperson McAndrew opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Moore and seconded by Commissioner Barnes to recommend that the Board approve the requested Tentative Subdivision Map extension for a period of two years, based on the findings contained in the resolution and subject to the original conditions of approval. The motion passed 5-0. (Resolution No. 4483)

5. **PUBLIC HEARING** to consider Minor Revision No. 4 to Use Permit No.U-79-34 and Marsh Development Permit No. MD-79-04 of **FP Smith Parts and Equipment Company** for the demolition of existing buildings and the addition of two buildings within the development footprint of the business located at 3190 Ramsey Road in an ‘MP’ Marsh Preservation and ‘AL-160’ Limited Agricultural Zoning District, 1 mile east of the City of Fairfield (Cordelia Area), APN: 0046-050-270. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief presentation of staff’s written report. She indicated that the applicant is requesting approval of a minor revision to the Use Permit and Marsh Development Permit to demolish nine existing buildings and replace them with four new buildings. Seven of the buildings proposed for demolition are currently used as warehouses to store equipment parts for the business. These will be replaced with two buildings of 33,000 square feet and 36,000 square feet respectively. The applicant is also proposing to remove some of the existing outside storage racks and place them inside the new buildings. Two other existing buildings are proposed for demolition and replacement. Building 7, which currently houses equipment used to maintain the parcel, will be demolished and replaced with a 7,2001 square foot building which will continue to house equipment used to maintain the parcel. Building 12, which is currently used as a storage shed for the accessory dwelling, will be demolished and replaced with a 1,200 square foot building and will continue to be used for storage for the accessory dwelling.

No new leachfields or water wells are proposed. No changes to the access road are proposed. The applicant is not requesting any changes in the operation of the equipment storage operation.

The applicant, F.P. Smith stated that his reason for demolishing the buildings are due to employee safety and the expansion of his business.

Commissioner Mahoney stated that Mr. Smith's business is vital to the ag economy of the county, and therefore made a motion that was seconded by Commissioner Barton to adopt the Negative Declaration and the mandatory and suggested findings, and approve Minor Revision No. 4 of Use Permit Application No. U-79-34 and Marsh Development Permit Application No. MD-79-04, subject to the recommended conditions of approval.

6. **ANNOUNCEMENTS and REPORTS**

7. **ADJOURNMENT**