

**SOLANO COUNTY PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_**

**TO APPROVE USE PERMIT U-09-06  
FOR THE SHILOH III WIND ENERGY PROJECT**

---

**WHEREAS**, the Solano County Planning Commission has considered Use Permit Application No. U-09-06 of Shiloh Wind Partners LLC to construct and operate the Shiloh III Wind Energy Project (“Project”) - a 118 megawatt (MW) wind power generation project comprising 59 wind turbine generators and related facilities on approximately 4,500 acres of land in the Montezuma Hills area. The Project is located within an “A-160,” Exclusive Agricultural zoning district, and

**WHEREAS**, an Environmental Impact Report for the Project was prepared by the County’s consultant and processed by the Department of Resource Management pursuant to the California Environmental Quality Act and the State CEQA Guidelines, and has been circulated to both the public and to governmental agencies for review and comment; and

**WHEREAS**, on November 4, 2010, the Planning Commission certified the Final Environmental Impact Report (“Final EIR”) for the Project; and

**WHEREAS**, the Planning Commission has reviewed the Final EIR and considered the information presented therein prior to approving the proposed Project; and

**WHEREAS**, the certified Final EIR concludes that the Project, as proposed, has the potential to cause significant environmental impacts in the following areas: aesthetic/visual resources, air quality, biological resources, cultural resources, geology, hazardous materials, hydrology and water quality, land use, noise, public services and utilities, recreation, safety, and transportation; and

**WHEREAS**, the certified Final EIR further concludes that all potentially significant environmental impacts of the proposed Project can be avoided or substantially lessened through the imposition or adoption of specific mitigation measures, except for certain impacts to aesthetic/visual resources, air quality, and biological resources, which are unavoidable significant adverse environmental impacts associated with the Project, for which a Statement of Overriding Considerations will be adopted by the Planning Commission; and

**WHEREAS**, although the EIR identified and analyzed a No Project Alternative, an Offsite Alternative, and a Reduced Project Alternative, because all potentially significant environmental impacts of the Project can and will be mitigated through permit conditions imposed on the Project, except for those for which a Statement of Overriding Considerations will be adopted, the Planning Commission does not need to adopt any of the project alternatives identified in the FEIR; and

**WHEREAS**, the Findings pursuant to the California Environmental Quality Act

(CEQA), presented in Attachment 1 to this Resolution and incorporated herein by this reference, explain how most of the potentially significant environmental effects of the proposed Project will be mitigated through conditions imposed on the Project by Solano County or by Responsible Agencies; and

**WHEREAS**, the proposed Mitigation Monitoring and Reporting Program will ensure that all mitigation measures recommended in the certified Final EIR to reduce the potentially significant environmental effects of the Project to a less-than-significant level that are within the jurisdiction of the County of Solano to adopt and implement will in fact be implemented by the County, except for those for which a statement of overriding considerations will be adopted; and

**WHEREAS**, certain impacts will remain significant and unavoidable even with the implementation of feasible mitigation measures; and

**WHEREAS**, the Planning Commission finds that a Statement of Overriding Considerations was justified, despite the project's significant and unavoidable impacts to aesthetics, air quality and biological resources, as more fully described in Attachment 1 to this Resolution and incorporated herein by this reference:

**WHEREAS**, the Solano County Planning Commission has considered, in a properly noticed public hearing, the application of Shiloh Wind Partners, LLC. for Use Permit U-09-06; and

**WHEREAS**, said Commission has reviewed the report of the Department of Resource Management and heard testimony regarding the proposed Project at the duly noticed public hearing held on November, 2010, and

**WHEREAS**, based on the complete record presented to it as well as the testimony presented in public hearing, the Planning Commission finds that the proposed Project is consistent with the Solano County General Plan, will be served by adequate facilities, and will not be a nuisance or detrimental, as more fully described in Attachment 1 to this Resolution and incorporated herein by this reference; and

**WHEREAS**, after due consideration, the said Planning Commission has made the following findings in regard to said proposal:

- 1. The establishment, maintenance or operation of a use or building applied for are in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator or the Planning Commission to be pertinent.**

The construction, maintenance and continued operation of the proposed project are consistent with all pertinent General Plan goals, policies, and programs of the Solano County General Plan. The Environmental Impact Report (Draft and Final EIR)

addresses all environmental issues pertaining to the use permit, including traffic circulation, population density and distribution. The proposed project is in conformance with all pertinent provisions of the Solano County General Plan and includes policies for retaining the existing grazing and dry land farming agricultural use.

**2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Adequate facilities will be provided.**

The project site is currently served primarily by State Highway 12, Little Honker Bay Road, Birds Landing Road, Currie Road, and Azevedo Road, and secondarily by Olsen Road, Montezuma Hills Road, and Emigh Road, which provide adequate transportation facilities for the project. Access to each turbine site will be by proposed private roads, which will have adequate capacity for the anticipated traffic and will not create significant traffic impacts to State or County roadways. The private roads and drainage systems would be constructed to the requirements of the Solano County Department of Resource Management – Public Works Division, and the existing enXco V/Shiloh II operations and maintenance building will adequately serve the project's needs for such facilities. PG&E provides electrical utilities to the area.

**3. The applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood as such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; provided that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.**

Based on the documents submitted and reviewed by County staff as well as the mitigation measures incorporated into the project, the wind turbine generator project will not pose a health or safety hazard to persons residing or working in the general area. The project will not constitute a nuisance or be detrimental to the peace, comfort or general welfare of the neighborhood or the County. The potential for any such nuisance was analyzed in the EIR for the project and its accompanying technical appendices, and based on a review of these and all other documents for this project, the County has imposed mitigation measures to prevent any aspect of this project from causing such nuisance. For instance, the project will be required to use the dust control, pollutant control and storm water runoff control measures. The County has required that lighting will be designed to enhance safety without creating a nuisance, use of engineering techniques to reduce seismic and other geological risks, and removal of decommissioned turbines for restoration back to natural conditions. Measures to reduce fire hazards and ensure safe handling of any hazardous materials or substance at the project site will also ensure no health or safety hazards are present.

A building permit will be required for installation of the equipment that requires inspections according to adopted building codes and specific engineering calculations. A grading permit will also be required to ensure the County's standards for dust control, drainage protection, erosion and sediment control are also met. The proposed turbine locations will comply with the requirements of the Solano County General Plan, which includes prescribed minimum turbine setbacks from residential uses, property lines, public roadways, and railroads, including provisions for a waiver of certain such setbacks when an agreement has been reached by neighboring property owners.

**BE IT THEREFORE RESOLVED**, the Solano County Planning Commission adopts a Statement of Overriding Considerations and approves Use Permit Application No. U-09-06, subject to the Conditions of Approval attached hereto as Attachment 2 and incorporated herein by this reference.

**BE IT FURTHER RESOLVED**, the Mitigation Monitoring and Reporting Program as attached to the Planning Commission staff report is adopted and shall be implemented by County staff.

\*\*\*\*\*

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 4, 2010 by the following vote:

AYES:	Commissioners	_____
NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: \_\_\_\_\_  
Bill F. Emlen, Secretary