

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of July 7, 2011

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 Rhoads-Poston, Karah, and Cayler

EXCUSED: Commissioners Mahoney and Boschee

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

Items from the floor - none

1. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-11-03 of **Thomas Ramos** to recognize four historic parcels existing within one assessor's parcel and adjust the boundaries of these parcels. The property is located at 6101 Silveyville Road .9 miles north of the City of Dixon in an "A-40" Exclusive Agricultural Zoning District, APN: 0108-090-010. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA. (Project Planner: Karen Avery) **Staff Recommendation:** Pull item from agenda

Acting Chairperson Rhoads-Poston noted that this item was pulled from the agenda.

2. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-11-02 of **Hutson Brazelton** for an adjustment of property between six parcels for estate planning purposes and to adjust property lines to follow current zoning district boundaries. The property is located at 3626 Gates Canyon Road 1 mile northwest of the City of Vacaville in an "A-40" Exclusive Agricultural Zoning District, APN's: 0121-150-100, 060, 030, & 120. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief presentation of staff's written report. She stated that the applicants are requesting the lot line adjustment for estate planning purposes. She said the boundary lines enclosing the 8.33 acre of Parcel 2 will be moved to enclose the secondary dwelling currently on Parcel 1. Another purpose of the lot line adjustment is to move a common property line between Parcel 1 and Parcel 3 so that it matches an existing tax line and zoning district boundary line. Staff recommended approval of the application.

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

A motion was made by Commissioner Cayler and seconded by Commissioner Karah to adopt the resolution approving Lot Line Adjustment Application No. LLA-11-02 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4551)

3. **PUBLIC HEARING** to consider Lot Line Adjustment Application No. LLA-11-05 of **James R. Jones** to adjust the property line between two parcels located at 8754 Eggert Road, 4 miles south of the City of Davis in an "A-40" Exclusive Agricultural Zoning District, APN's: 0110-180-150 and 0110-190-140. Lot line adjustments are ministerial projects, and therefore are not held to the provisions and requirements of CEQA. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery provided a brief presentation of the staff report. She stated that the applicant is requesting the lot line adjustment to create a more uniform sized parcel. She said the net acreage exchanging ownership is approximately .27 of an acre. As a result of the lot line adjustment, APN 0110-190-150 will increase from 1.60 acres to 1.87 acres and APN 0102-190-140 will decrease from 41.68 acres to 41.41 acres. She noted that no access changes are proposed with this lot line adjustment and the existing septic systems and water wells are not affected. Staff recommended approval of the application

Since there were no questions or comments, Acting Chairperson Rhoads-Poston opened the public hearing. There were no speakers either for or against this matter therefore the public hearing was closed.

A motion was made by Commissioner Karah and seconded by Commissioner Cayler to adopt the resolution approving Lot Line Adjustment Application No. LLA-11-05 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4552)

4. **PUBLIC HEARING** to consider Use Permit Application No. U-10-04 and Final Environmental Impact Report for the **Montezuma II Wind Energy Project**, as sponsored by NextEra Energy Montezuma II Wind, LLC (NextEra), and to certify the Final Environmental Impact Report, adopt the Statement of Overriding Considerations and to approve the Use Permit and Mitigation Monitoring & Reporting Program to construct a 78.2-megawatt (MW) wind energy project with 34 wind turbines on approximately 2,539 acres of land in the Montezuma Hills area. The project area is designated Agriculture by the Solano County General Plan and is zoned Exclusive Agricultural (A-160). **Staff Recommendation:** Approval

Ken Solomon stated that the purpose of this hearing is to accept public comments and take action on the Final Environmental Impact Report (FEIR) and the use permit for the project. He explained that a use permit is a requirement for commercial wind turbines which are conditionally permitted under the exclusive agricultural zoning of the properties within the project boundaries. He stated that the Draft Environmental Impact Report (DEIR) was previously reviewed and public comments were received at a duly noticed public hearing on April 7, 2001. He stated that those comments are incorporated into the FEIR.

Stu Russell, project consultant, Point Impact Analysis, provided the commission with an overview of the project, the CEQA process that was followed, and environmental impacts associated and

mitigated in the EIR including three significant impacts for which mitigation is not available, and therefore a Statement of Overriding Considerations is proposed for consideration.

Ken Solomon noted one change to the staff report involving Condition No. 62 and the associated mitigation measure SA-1. He explained that this is a technical design standard for wind turbines and the foundations upon which they were built. He said the standard as currently written requires that the turbines be designed to handle or withstand wind speeds of 100 miles per hour as measured 30 feet above ground. He noted that this is a standard that came from a previous consultant. He stated that the applicant had requested early in the process that this standard be reduced to 85 miles per hour wind speed. Mr. Solomon stated that this request was reviewed by the Solano County Building Official and he accepted it because it meets minimum building code, but for some reason it was not corrected before the EIR was published. Mr. Solomon stated that staff is recommending the commission make the modification to that one condition of approval.

Since there were no questions or comments, Acting Chairperson Rhoads-Poston opened the public hearing.

Jack King, 508 Jennings Avenue, Vallejo, submitted a written letter to the commission. In his letter he voiced his concerns with regard to avian mortality and how thousands of birds are being killed each year. He was concerned about the amount of acreage being used for the turbines. He spoke with regard to a group sponsored study that found that wind energy works at about 21% of rated capacity. He said it showed that over the past two years wind turbines metered by the National ran at just 10 percent of capacity for more than one-third of the time. He also referred to a report by Stuart Young indicating that over a two-year period metered wind farms in the U.K. consistently generated far less energy than wind proponents claim is typical.

Mr. King questioned why there is a waste of vast amounts of money including subsidies to the energy company and higher rate payments for a project like this when a modern gas powered generation plant can be built for about \$500,000 on less than four hundred acres and produce 1,250 megawatts of reliable, constant energy, ready on demand any time of day or night without subsidies. He spoke of another study that was done in Spain that found that for every green job created in the economy, two and a half jobs are lost in the real economy. Mr. King spoke to the boom in natural gas production and how new technologies are opening up vast areas of natural gas once thought to be unrecoverable.

Dan Broadwater, 320 Saybrook Avenue, Vacaville, stated that he is the business manager of IBW Local 180, Electricians for Napa and Solano Counties. He thanked Nextera for choosing Solano County for this wind project. He said that his organization has worked with Nextera in the past and they have proven to be a great community partner. He said that Nextera hires locally which is so important right now with jobs so hard to come by. He commented that he had personally worked on an enXco wind project some 20+ years ago. He said that at the time it was cutting edge and was a great project, but with technology being what it is today, the old towers are being removed and replaced with new ones that will last 30 years. Mr. Broadwater commented that this project will be a benefit to everyone and that the benefits far outweigh the impacts to birds. He said that it is a good project, will put people to work, and will benefit the environment.

Roberto Valdez, Jr., 248 Plantation Way, Vacaville, submitted his written comments to the commission. In his letter Mr. Valdez requested that the commission deny the project because he

believed the FEIR to be inadequate. He spoke with regard to the DEIR and made reference to various sections, appendices, and chapters, saying that he is not convinced that this project will have less than a significant impact on the many wildlife species. He also stated that he is concerned about the significant impacts to wetlands, vernal pools, streams, and U.S. waterways within the project site. Mr. Valdez spoke to CEQA and agreed with the Friends of Swainson's Hawks that Solano County needs to avoid cumulative impacts to known/potential wildlife. He said that it is preposterous to derive the environmental benefits from estimated total number of avian, raptor, and bat mortality rates based on the total number of wind turbines in the Montezuma hills, when in fact Solano County is already contributing to the destruction of numerous species and their habitat with other landfill, development, and transportation projects within the 7 known open corridors which the Montezuma hills is an important part within the project site. He stated that Solano County seems to be contributing to a significant loss of wildlife species and habitat for the sake of socioeconomic gain. He referred to BIO-3 & 6 and Impact Bio-1 stating that he doubted that this project will be able to control the known migratory patterns and pathways for the raptors, avian, wildlife, and aquatic species within the project site.

With regard to biological resources #3, Mr. Valdez stated that it is apparent that Solano County is in denial to adverse impacts to wildlife and habitat within the Montezuma hills. He stated that there are no 3-5 year monitoring timelines for Bio-1, 2, 2b, 3, 4, 5, 5b, 7, 8a, and 8c. He wanted to know how the loss of species and habitat will be determined in the short/long term within the project site. He restated that the FEIR is inadequate to deal effectively with cumulative impacts to known/potential species as well as habitat within the project site.

Ken Miller, 4171 Pinot, Napa, stated that he is a business agent for Iron Workers Local 378, and he urged the commission to vote in favor of the project. He stated that there are no endangered species on the project site. Mr. Miller stated that while he is a lover of animals, precedence should be given to the workers so they are able to have a local job with a livable wage so that they can provide for their families.

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

A motion was made by Commissioner Karah and seconded by Commissioner Cayler to adopt the resolution certifying the Final Environmental Impact Report for the Montezuma II Wind Energy Project, and adopt the proposed resolution approving Use Permit Application No. U-10-04 based on the recommended findings and subject to the recommended conditions of approval, and adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP) including the amendment to Condition No. 62. The motion passed unanimously. (Resolution Nos. 4553 and 4554)

5. **ANNOUNCEMENTS and REPORTS**

There were no announcements and reports.

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