MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of July 15, 2010

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 Barnes, Boschee, Rhoads-Poston, Karah and Chairman Mahoney

EXCUSED: _____

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Matt Walsh, Principal Planner; Ken Solomon, Contract Planner; Narcisa Untal, Senior Planner; Stanley Schram, County Surveyor; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

The Minutes of the regular meeting of June 17, 2010 were approved as prepared.

1. **PUBLIC HEARING** to consider a request by Public Works Engineering to vacate a portion of the easterly end of Liberty Island Road (County Road No. 601) north of the City of Rio Vista. (Staff Contact: Stan Schram) **Staff Recommendation:** Approval

Stanley Schram gave a brief presentation of the written staff report. He indicated that Robert Hilardes and Gary Silva have made application requesting that the County vacate a portion of the easterly end of Liberty Island Road (County Road No. 601) north of the City of Rio Vista. He said the request was made due to a problem with trash, litter, illegal dumping, trespassing, and livestock harassment. Mr. Schram stated that staff is asking the commission to make a determination as to whether or not this vacation is consistent with the County's General Plan. He explained that if found consistent there are three additional actions that would need to take place before the road can be vacated, 1) the Board of Supervisors would need to pass a Resolution of Intent to vacate, 2) public notice would need to be done by posting the site and publishing it in the newspaper, and 3) it would go back before the Board of Supervisors for adoption of a final Resolution.

In response to Commissioner Barnes' inquiry about the county's General Plan, Mr. Yankovich stated that in the general plan specific roads have been identified for circulation and consist mainly of major roadways throughout the county. He said that this road is not one of those that have been identified in the plan. He reiterated that what the commission is being asked to do is to determine if this vacation is consistent with the policies of the general plan.

Since there were no further speakers, Chairman Mahoney opened the public hearing.

Mark Swall, 300 Branchwood, Rio Vista, stated that he is one of the petitioners asking for this road vacation. He stated that while the dumping of trash and trespassing are big issues, the real problem is with people coming out to the area and shooting guns and drinking alcohol. He stated that people tear up the levee by driving on it, and they also remove the river rock that helps to maintain the levee in the event of high water.

Julie Lucke, 13 Shasta Drive, Rio Vista, stated that this road is a public road and a beautiful area to walk and cycle, and it is hard to think that access will be lost to those who enjoy the area and do not abuse it. She hoped that other recommendations could be made to help address the issues so that the road can remain open. Ms. Lucke stated that her main concern is with the lack of opportunity for the public to review and comment on this matter.

Bruce Lucke, 13 Shasta Drive, Rio Vista, stated that he has been traveling Liberty Island Road for the past 50 years. He said he fishes, kayaks, bikes, and walks in the area quite frequently. He agreed that there are people who do abuse the area and that litter is a big problem, but he has never encountered anyone firing a weapon. He commented that this road is an irreplaceable resource for Solano County and is the last remaining public access to the western part of the Delta. He said dozens of Rio Vista citizens use this road on a daily and weekly basis. Mr. Lucke said that he and his wife would be willing to work with the landowners to help mitigate the problems so that the road could remain open.

Commissioner Karah asked staff to respond to the points made by Mr. Lucke. Mr. Schram stated that the commission is only being asked to make a determination as to whether this request is consistent with the county general plan, and not whether the road will or will not be vacated.

Mr. Yankovich commented that the commission can make a recommendation to the Board such as maybe allowing pedestrian access, but limiting vehicle access which would enable people to still walk in the area. He stated that staff has not discussed with the applicant any kind of suggested options.

Commissioner Rhoads-Poston wanted to know if there was a record with regard to how many times law enforcement has been called out to the property because of a nuisance complaint. Mr. Schram stated that he did not know the answer, but could contact the Sheriff's Department prior to the Board of Supervisors meeting to obtain that information.

June Guidotti, 3703 Scally Road, Suisun, stated that she was in favor of leaving this as a public road for the public to access.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

Commissioner Barnes stated that these kinds of issues are not unique to this area and are happening throughout the entire county, as well as in the cities.

Commissioner Barnes made a motion to find the proposed vacation of a portion of Liberty Island Road is in conformance with the Solano County General Plan.

Commissioner Boschee seconded the motion. He clarified that the commission is not voting to close the road, but only on finding that the vacation is in compliance with the general plan. Commissioner Boschee stated that he would like to add as part of the motion that staff work with the landowners to examine ways of providing some type of walking access through the area, but to limit vehicle access.

Since Commissioner Barnes did not agree with the additional language suggested by Commissioner Boschee, Commissioner Boschee withdrew his second to the motion. The motion died due to a lack of a second.

A motion was made by Commissioner Boschee and seconded by Commissioner Rhoads-Poston to find the proposed vacation of a portion of Liberty Island Road is in conformance with the Solano County General Plan, and for staff to work with the farmers and landowners, as well as with Mr. and Mrs. Lucke, to provide a recommendation or alternatives to the Board of Supervisors for their consideration. The motion failed 2-3 with Commissioners Barnes, Karah, and Mahoney dissenting.

Chairman Mahoney stated that one of the reasons the landowners want closure of the road is because of too much access by the public. He stated that if there is a walkway to get onto the levee people will continue to take rocks from the levee. With regard to law enforcement, he commented that the response time is much slower in a secluded area like this than what most people who live in the city are used to. Mr. Mahoney stated that if the road is not going to be maintained by the county then he would not want to see the allowance of public access. He commented that the purpose of the road initially was for access to Liberty Island which is now underwater so the usefulness for the road is gone except for public access.

Commissioner Karah stated that she is sympathetic to the landowners, but she finds it difficult to take away public land to solve a problem in a way that is not dealing with the problem. She said the county has very little access to public land as it is, and she believed that public land needs to stay public unless there is a valid reason why it should not.

Commissioner Boschee reiterated that the commission's purpose is not to decide whether the road should be closed or remain open, but to determine if the vacation is in compliance with the general plan. He stated that if members of the commission feel it does not comply with the general plan then that should be the issue that causes this not to move forward. He stated that the issue of whether the road is opened or closed, public or not public is up to the Board of Supervisors to determine.

Commissioner Karah stated that she did not believe this road vacation to be in compliance with the county general plan.

A motion was made by Commissioner Barnes and seconded by Commissioner Boschee to find the proposed vacation of a portion of Liberty Island Road is in conformance with the Solano County General Plan. The motion passed 4-1 with Commissioner Karah dissenting. (Resolution No. 4535)

Commissioner Boschee stated that in preparation for the presentation to the Board of Supervisors staff may want to provide options or alternatives for them to consider.

Commissioner Rhoads-Poston suggested to the audience members that when this item goes before the Board of Supervisors that they provide the Board with pictures of what is happening to the levee, the litter and garbage, and a record of nuisance calls made to the county sheriff.

2. **PUBLIC HEARING** to review the Draft Environmental Impact Report (DEIR) and receive public comments for the proposed **Shiloh III** wind energy project, comprising development of 59 wind turbine generators, generating 118 Megawatts (MW) of electricity, on approximately 4,500 acres of land in the Montezuma Hills area. The property is generally located south of Highway 12, north of Montezuma Hills Road, extending east from Shiloh Road to Azevedo Road, approximately 1/8 of a mile west of Rio Vista City Limits. The project area within Solano County is designated Agriculture by the Solano County General Plan and is zoned Exclusive Agricultural (A-160). (Project Planner: Ken Solomon)

Chairman Mahoney excused himself from the meeting due to a conflict of interest. Vice-Chairman Boschee took over the Chairman's gavel.

Ken Solomon briefly introduced the item. He stated that the purpose of this public meeting is to provide an overview of the project and to accept testimony from the public on the DEIR. The document was circulated for the mandatory 45-day public review period that began on June 11, 2010 and will close on July 26, 2010. He stated that no action by the Planning Commission is required at this meeting.

Karen Ladd, project consultant, E&E Consultants, provided a PowerPoint presentation summarizing the project which included the various elements of the DEIR and the CEQA process.

Commissioner Barnes inquired if representatives from Travis AFB were scheduled to make a presentation. Mr. Solomon stated that members from Travis were present in the audience to answer questions, but were not planning on making a formal presentation. Mr. Barnes inquired about the number of raptors that are predicted to be lost. Mr. Solomon said that he could not recall the exact number of raptors, but stated that the issue in the past has been with the number of Golden Eagles, and the prediction is consistent with what was predicted for the last three wind projects; one Golden Eagle per year. Mr. Solomon reviewed the three nesting options.

Commissioner Barnes wanted clarification with regard to the setbacks of the wind turbines. Mr. Solomon reviewed the various setbacks which included the baseline setback, setback to the road and interior property line, and blade tip distance to exterior property lines.

Commissioner Karah wanted more information about the overhead transmission lines. Ms. Ladd depicted the location of the transmission lines on the map. She reviewed the location of Option Nos. 1 and 2 as listed on Figure 3.1-1 of the DEIR. Mr. Solomon explained the necessity as to why the lines would be located overhead.

Brian Sarantos, associate project manager, enXco Development, 4000 Executive Parkway, Suite 100, San Ramon, provided a PowerPoint presentation giving a detailed overview of the project.

Vice-Chairman Boschee opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, stated that she does not object to the use of wind turbines, but felt that they are in the wrong location. She referred to page 3 of Volume II regarding the Waters of the United States and questioned the adequacy of the document that was used since she believed it was outdated. She stated that the 1987 document should be reviewed for accuracy. Ms. Guidotti stated that she is concerned with the mortality of her racing pigeons and believes the flashing red lights on the turbine towers are an eyesore. Ms. Guidotti stated that this project is not consistent with the county's General Plan, the Suisun Marsh Local Protection Plan, or the Suisun Marsh Preservation Act. She asked that the commission not allow this project to move forward.

Angelo Cellini, 1747 Ventura Way, Suisun, stated that the construction trades are hurting for work and this project would stimulate the economy by providing jobs, as well as providing clean energy.

Kevin Coleman, 720-B Technology Way, Sacramento, spoke on behalf of the International Brotherhood of Electrical Workers Local 180. He said that presently they are facing in the construction trades a devastating 35% unemployment rate. He stated that he believes the local work force and the local economy would receive a healthy shot in the arm were this project to move forward without delay. Mr. Coleman stated that as demonstrated by the wind projects already completed by enXco, the county is very fortunate to have an energy development firm of their caliber that consistently secures highly qualified contractors to perform the work. He stated that it would appear the economic, social and community benefits associated with this wind project would outweigh any adverse environmental effects.

Ron Gurule, 1208 Monticello Road, Lafayette, stated that this project would be helping the economy and would contribute to American energy independence.

Elizabeth Ball, 62 Rodondo Avenue, Suisun, voiced her concern with the issue of bird mortality. She referred to the statistics for the loss of birds and stated that over a long period of time it will be an enormous loss. She believed that it is possible this could change the characteristic of the ecology of the area, and also wondered what is going to happen to the rodent population. Ms. Ball encouraged staff to look into mitigation measures such as some type of a warning system that would help scare the birds away.

Janice Shannon, 1055 Mockingbird Court, Fairfield, stated that she is visually impaired and asked if her written statement could be read into the record. Vice-Chairman Boschee read her statement as follows: "Since the concerns now and as previously stated there is a concern over the danger of various species of wild birds flying into blades of the windmills and being killed. There are various species of birds and animals, as well as fish that have an aversion to various sounds and will stay away from them. Recently the Fairfield paper (I believe) printed an item about areas in Africa and how elephants do not like the sound of

bees. The elephants are drawn to areas where certain crops are grown by the native Africans and they stay away. It's a wonderful solution. Sea life also avoid areas with certain sounds. There are many other examples throughout the world where animals or birds avoid areas with offensive sounds. I suggest that there could be similar solutions to have the birds avoid the area of the wind turbines. (word not legible) and there should be no more bird strikes, and electric power to operate the system should be of no problem since the power is provided by windmills themselves."

Ms. Shannon made additional comments by stating that the sounds referred to in her letter are tape recordings. She stated that these recordings have worked marvelously in these areas. She stated that she is very concerned about the safety of the birds, but she is also in favor in alternative energy. She believed that this method could help solve the problem with the mortality of the birds.

Jeanne McCormack, 8291 Montezuma Hills Road, Rio Vista, stated that her and her husband own and farm 3,700 acres of land in the Montezuma Hills. She commented that they have decided not to allow windmills on their property in an effort to maintain the historic landscape. She stated that they will be able to see five windmills from their house to the north and to the west, and are very concerned about shadow flicker. She commented that according to the chart in one of the appendices they will have shadow flicker on their house for approximately 108 days for ½ hour a day. She said they are very concerned about the qualitative factor of the time of day the shadows are cast. She said the last 30 minutes of the day which photographers call the magic hour is not considered. She said the last 30 minutes of the day certainly in the summer and often in the winter are the times they would be outside working in the garden, and the idea of having the shadow flicker is appalling. She requested that their house to be evaluated for that last period of the day.

Ms. McCormack stated that the aesthetics of the visual impact study ignores the impact on Montezuma Hills Road itself. She noted that Highway 113 and Highway 12 are designated as a scenic highway, and that Montezuma Hills Road certainly should be considered a scenic roadway. She mentioned that many bicycling groups take tours through the area and the DEIR does not mention the visual impact on Montezuma Hills Road. She stated that the micro-siting of the windmills will be done at a later date, and they would like to know now where those five towers that will surround their house will be located. She said that they would also like to know if the setback distances have changed since the Shiloh II project was approved, and they would like assurance that the setback distances will be respected.

Al Medvitz, 8192 Montezuma Hills Road, Rio Vista, pointed out that while he and his wife have made their personal decision about their land, they do not intend in any way to constrain the rights of their neighbors to seek the best benefits they can. Mr. Medvitz spoke to the issue of aesthetics and visual resources, stating that what is listed in the document are general provisions. He said that he and his wife support and encourage practices that reduce light pollution and preserve views in the night sky. Mr. Medvitz suggested that the visual representations are inadequate. He said they do not capture the majesty of the large machines individually, which are huge industrial structures and are approaching 1,000 in number. Mr. Medvitz stated that when looking at the turbines from standing on a hilltop the historic landscape is obliterated. He said the motion of the turbines add a sense of chaos to the landscape and the flashing red lights on the towers are a nuisance.

Mr. Medvitz stated that the DEIR indicates that the project will not be visible to motorists traveling on I-80 from Vallejo to the Davis. He noted that they are certainly visible and certainly in the evening when the red lights are flashing which change the historic landscape at night. Mr. Medvitz stated that the turbines are very intrusive in large numbers and the commission is making a decision about whether that intrusiveness and the destruction of that landscape is of value. Mr. Medvitz stated that he believed the modeling of the shadow flicker needs to be changed and the differences need to be taken into account. He stated that the distance from his home to the nearest windmill on Montezuma Hills Road is approximately 4,000 feet. He said the setback proposed is 1,000 feet. In looking at the map, Mr. Medvitz said it does not appear that those windmill sitings are within the allowed setback.

Since there were no further speakers Vice-Chairman Boschee closed the public hearing. Commissioner Boschee thanked everyone for their input and stated that all public comments and concerns will be addressed in the Final EIR. He suggested that if anyone has other issues or concerns they should submit them in writing by July 26th.

3. **PUBLIC HEARING** to consider a recommendation to the Board of Supervisors on an update to the **Solano County Housing Element** as mandated by Sections 65580 - 65589 of the Government Code. The purpose of the Housing Element is to provide a comprehensive plan to address housing needs in the unincorporated area of Solano County, with a focus on meeting the housing needs of all economic segments of the community, including low- and moderate-income households who may have trouble affording market rate housing and populations with special housing needs that may not necessarily be met through conventional housing products. The County's current Housing Element was adopted in October 2005 and updated in October 2008. A Negative Declaration of Environmental Impact was prepared, published, and circulated for public comment. (Project Planner: Matt Walsh)

Chairman Mahoney rejoined the commission on the dias.

Matt Walsh briefly reviewed staff's written report. He stated that the Housing Element is one of seven elements mandated under state law to be included in the county's General Plan. He said it is the primary policy document guiding the preservation and development of housing stock in the county, and relates most importantly to economic segments of the community. Mr. Walsh stated that it is a requirement that the document be updated every 5 years. He noted that staff has been working over the last year and a half on the draft which will incorporate changes in state law. He also reviewed the document approval process.

Jenny Gastelum, project consultant, PMC, provided a brief PowerPoint presentation describing the content of the plan and some of the new programs that were incorporated, as well as revisions requested by the state.

In response to Chairman Mahoney's inquiry with regard to energy conservation, Mr. Walsh explained that the county is currently developing a Climate Action Plan which will set forth policies and strategies for energy conservation and green house gas emissions reduction.

He stated that the plan will come before the commission for review before the end of this year.

Chairman Mahoney 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 Rhoads-Poston and seconded by Commissioner Boschee to recommend that the Board of Supervisors adopt the Negative Declaration and approve the updated Housing Element. The motion passed unanimously. (Resolution No. 4536)

4. **OVERVIEW** of the Countywide Integrated Waste Management Plan (CIWMP). (Project Planner: Narcisa Untal)

Narcisa Untal gave a basic overview of the county's Integrated Waste Management Plan which included review of the Source Reduction and Recycling Element, Household Hazardous Waste Element, Countywide Siting Element, Summary Plan, and Non-Disposal Facility Element. She also reviewed the Solid Waste Disposal Measurement Act of 2007.

Commissioner Barnes wanted to know how the numbers for waste collection are calculated, and what assurances there are that those calculations are correct. Ms. Untal explained that anytime solid waste comes through the gate of a landfill or transfer station the jurisdiction of origin has to be identified, and those numbers are recorded and the information is dispersed back to the jurisdiction. She explained that for these calculations the numbers used were from the years 2003 through 2006, and then that number was cut by 50%. She said the population for each jurisdiction was based on the 2000 Census and the Department of Finance population information, and that number is used in order to get the residential disposal rate.

In response to Commissioner Barnes' inquiry, Ms. Untal stated that there are fees associated with what comes through the landfill, and she would guess that the operator would want to be as accurate as possible with their numbers reporting. She noted that fees are not received on recyclable materials, but just on what is actually disposed of in the landfill.

Commissioner Barnes stated that the numbers look great on paper, but it is not known where those numbers came from. Ms. Untal stated that she would provide the commission with more detail. She noted that as to date there was approximately 800,000 tons of material brought into Solano County which generated fees for the fiscal year 2009/10.

Vice-Chairman Boschee stated that in looking at the calculations the City of Benicia has 10.5 PPD vs. the City of Vallejo at 5.5 PPD, and stated that as an initial target that seems a little strange that Benicia would have twice the amount of solid waste material based on their historic data. He said that there is such a huge diversity there that it seems to make one question the accuracy. Mr. Boschee stated that his concern is in measuring this material and the county relying on third parties to provide the data. He wanted to know if green waste is being considered, and if it is known how much green waste is being taken in

everyday. He voiced his concern that the green waste is not being taken to a separate composting site.

Vice-Chairman Boschee commented that he lives in the county and has witnessed his green waste being put into the same truck as solid waste. He stated that this would be defeating the whole purpose because green waste is no longer being targeted. He stated that the numbers look good on paper, but questioned if the amount of material going to the landfill is really being reduced because he believed that a lot of the green waste is being dumped into the landfill. He inquired if there is any kind of a system in place that can evaluate and determine if in fact these materials are being separated and managed correctly.

Ms. Untal stated that the county's Local Enforcement Agency is required to go out and perform surprise inspections. She noted that the state also have inspectors who go out to the site.

With regard to the Residential Disposal Rate, Ms. Untal stated that while Benicia may have a higher number than that of another jurisdiction such as Vallejo, there are reasons behind the differences. She explained that in the years 2003 through 2006 there were some jurisdictions that did not have a residential recycling program, and so as a result all of the material, including the recyclables, were being landfilled which then resulted in a higher RDR. She noted that Benicia was one of those jurisdictions as was the City of Dixon. She stated that moving into the future, and for the reporting year 2008 the number has declined because of the fact that those jurisdictions now have recycling programs in place.

Ms. Untal stated that she has been involved with overseeing these recycling programs and in making sure that Solano County and its cities are meeting its diversion rate. She said that she could state with confidence that these businesses in the county are doing exactly what they say they are doing. She stated that the entire County of Solano, including its cities are under a franchise agreement with a particular service hauler. She commented that the county is unique by having six different garbage haulers, whereas other counties simply have one garbage company and one recycler.

Ms. Untal stated that through the franchise agreement negotiations there are areas specific to AB939 that are being required of the haulers to provide specific services in which to separate out these materials. She said it is more cost effective for any of these businesses to simply landfill the green waste, however there are mandates and requirements that they are subject to. She noted that the haulers were required to obtain new trucks to separate material, and to follow separate routes in order to get the material to where it is needed to go. She did note that green waste can be used as alternative daily cover. It is a defined and responsible way that the state has recognized to allow landfills to use green waste materials as cover for daily garbage. The incentive for that is the decomposition of the green waste saves landfill space, it allows the landfill to not have to import clean soils, and the benefit to the landfill is they receive diversion credit.

Vice-Chairman Boschee stated that it irritates him when he sees the hauler collect all the material in one truck. He said if they are using it as cover is fine, but he believed they should separate the materials.

Commissioner Barnes commented that he has three totters, and the garbage company empties each container separately. He did note that around the holidays such as Thanksgiving and Christmas he has noticed that regular waste and recyclables go into the same truck, but has only noticed that very infrequently.

Commissioner Rhoads-Poston commented that in her neighborhood there are three different trucks with three separate drivers. She noted that the green waste is picked up at the end of the day.

Commissioner Mahoney stated that where he lives he has only seen one truck, and he did not believe that the waste is being separated.

Ms. Untal pointed out that each truck is tagged with a particular ID number. She said that there are times when a truck may have the same driver, but it is not necessarily the same truck. She asked the commissioners to let her know in the future if they observe this happening where the materials are not being separate.

5. **ANNOUNCEMENTS and REPORTS**

Mr. Yankovich mentioned to the commission that the Middle Green Valley Specific Plan and the Woodcreek subdivision project would be going before the Board of Supervisors on July 27th.

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