

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of November 4, 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, Rhoads-Poston, Karah and Vice-Chairman Boschee

EXCUSED: Chairman Mahoney

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Leland, Principal Planner; Karen Avery, Senior Planner; Jim Laughlin, Deputy County Counsel; Misty Kaltreider, Geologist; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

The Minutes of the regular meeting of October 21, 2010 were approved as prepared.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-09-08 of **D.I. Aggregate Management, LLC** to continue surface sand and material mining and expand the operation to include deeper mining. The project is located on Decker Island 2.5 miles from the City of Rio Vista in an "A-160" Exclusive Agricultural Zoning District, APN's: 0090-210-050, 080, and 090. The Planning Commission will also be considering adoption of a Mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Jim Leland) **Staff Recommendation:** Approval

Jim Leland gave a brief presentation of staff's written report. He indicated that this is a request for a 25 year extension to an existing surface mining permit and a proposal to modify the operations to include open pit mining in addition to the surface mining. He depicted the location of the site on an area map and reviewed the details of the project by use of a PowerPoint presentation. Mr. Leland noted that an additional condition of approval was added to address water quality monitoring testing. He explained that the condition was added at the request of the Department of Water Resources.

Mr. Leland outlined the four major policy areas that staff reviewed which included General Plan and Zoning Consistency, The Surface Mining and Reclamation Act, Williamson Act Compatibility, and the Delta Protection Act Requirements.

Mr. Pat Brown appeared before the commission on behalf of the applicant to answer any questions.

Since there were no questions or comments, Vice-Chairman Boschee opened the public hearing.

Warren Gomes, Jr., 160 Edgewater Drive, Rio Vista, stated that he is a local contractor and is in support of the project. He urged the commission to support the request so that the applicant can continue helping the local economy as they have in the past.

Richard Silva, 340 Sierra Avenue, Rio Vista, spoke in favor of the project. He stated that he has been a delta farmer for the past 37 years. He said that having this type of material close and accessible is very much needed throughout the Delta.

Since there were no further speakers, Vice-Chairman Boschee closed the public hearing.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Barnes to adopt the Recirculated Mitigated Negative Declaration, Monitoring Program and suggested findings, and approve Use Permit Application No. U-09-08 and Reclamation Plan No. RP-09-01. The motion passed unanimously. (Resolution No. 4541)

2. **PUBLIC HEARING** to consider Use Permit Application No. U-09-06 and Final Environmental Impact Report for the **Shiloh III Wind Energy Project**, as sponsored by Shiloh Wind Partners, LLC, and to certify the Final Environmental Impact Report (FEIR), adopt the Statement of Overriding Considerations and to approve the Use Permit and Mitigation Monitoring & Reporting Program to construct a 118-megawatt (MW) wind power project with up to 59 wind turbines on approximately 4,500 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

Karen Ladd, consultant with Ecology & Environment, provided an overview of the project. The review included the CEQA process and the environmental impacts that were assessed and mitigated in the EIR. She also reviewed the three significant impacts for which mitigation is not available and therefore a Statement of Overriding Considerations is proposed.

Ken Solomon spoke with regard to the supplemental memo that was provided to the commission prior to the meeting which addresses one of the initial draft conditions of approval. He stated that as discussed in the staff report, the Airport Land Use Commission (ALUC) determined the Shiloh III project to be consistent with the Travis AFB and Rio Vista Airport Land Use Compatibility Plans. That determination was subject to three conditions which were added to the permit as Condition Nos. 72 through 74. Mr. Solomon stated that at the recommendation of County Counsel Condition No. 74 should not be adopted. He explained that this condition regards the 11 FAA No Hazard Determinations that were potentially subject to a petition being filed which could have delayed a final determination by the FAA. He stated that while an explanation for the recommended removal of this condition is provided in the memo, more recent information has become available which provides even greater justification for the removal of this condition. He said that staff has learned from the FAA that no petition was filed and that the 11 No Hazard Determinations are considered final by the FAA and no further action should be expected and therefore Condition No. 74 is no longer relevant or necessary. Mr. Solomon also noted that a letter in support of the project was received from Mr. Richard Emigh and was distributed to the commission prior to the hearing.

Mark Tholke, Southwest Regional Director, enXco, appeared before the commission. He gave a detailed presentation which included background information on the project, project overview, location, consistency, radar issues, and environmental and economic benefits.

Since there were no questions or comments, Vice-Chairman Boschee opened the public hearing.

Dan Broadwater, 320 Saybrook Avenue, Vacaville, appeared before the commission. He stated that he is the business manager for the International Brotherhood of Electrical Workers, Local 180. He noted that currently 30% of their membership is unemployed and a project like this could put many people to work. Mr. Broadwater stated that they have worked with enXco on several of these kinds of projects in the past and have never had any kind of injury or safety issues. He stated that enXco has always treated their workers well and are a good community partner.

John Galeotti, 2540 N. Watney Way, Fairfield, spoke as a representative for the Operating Engineers. He stated that enXco has been a great employer because they promote green energy and are great for the economy. He urged the commission to approve the project.

Judy Elliott, 2956 Canright Road, Rio Vista, stated that as an area landowner she supports the project. She said that income generated from the project will be beneficial to her family, to the community, and to her business operations. Ms. Elliott stated that the operation is compatible with both ranching and farming and she urged the commission to vote favorably for the project.

Phil Kohlmetz, Executive Director, Western Railway Museum, 5848 Highway 12, Suisun, stated that their mission at the museum is to preserve and interpret the history and heritage of electric railways in Northern California, including Solano County. He stated that they are more than just a train museum, they are a link between the past, the present, and the future, as evidenced by the fact that they are working on new exhibits focusing on energy and transportation. Mr. Kohlmetz stated that the build out of projects like this shows the county's leadership. He stated that enXco has also shown a great deal of leadership in being one of the first new projects that went into construction, and has shown leadership in terms of bringing the community together and addressing concerns. Mr. Kohlmetz stated that there certainly are impacts from the project, but they believe that the EIR and the mitigation measures sufficiently address those impacts and urged the commission to approve the project.

Leslie Fay, President, Fairfield-Suisun Chamber of Commerce, 1111 Webster Street, Fairfield, spoke as a representative of the approximately 600 member businesses in the county. She explained that the purpose of the chamber member organization is to promote business and improve local economy through the advocacy of member businesses. She said that enXco is one of their sponsor businesses and she wanted to encourage the commission to support the project. She commented that unemployment in Solano County is at 12%. She said wind energy is one of the few businesses in the county that is ready to put people and small businesses back to work. She noted that during the construction phase the project will put approximately \$170 million dollars back into the economy which will be generated from purchases from local suppliers, and provide 487 full-time jobs. Ms. Fay stated that the project will provide stability to the local economy, and it is supported by state and federal policies and incentives to increase U.S. independence from foreign energy sources and decrease hydro-carbon and other pollution emissions.

Ms. Fay also stated that the project maintains Solano County's agriculture and open space which its emphasis is on contributing to the green energy generation. It will impact the economy by increasing the purchases of goods and services from local suppliers with skilled qualified people in Solano County. She stated that enXco is a significant company with sizable business operations

and most importantly the company has been a community partner on many fronts working to support the local vendors, community, non-profits, and Travis AFB. She commented that their good neighbor policy is quite evident.

Sandy Person, Vice-President, Solano Economic Development Corporation, 360 Campus Lane, Suite 102, Fairfield, appeared before the commission. She stated that SEDC is a public-private partnership of community and industry for Solano County and its 7 cities. She said they provide a leadership role for economic development in the county and represent over 150 members of business and industry. She commented that the county is faced with a very challenging economic climate. Many Solano communities suffer from double digit unemployment and have seen many companies that have downsized operations which have impacted local families and community partners alike. She said that fortunately for Solano County wind industry is a business that continues to flourish despite the recession. Ms. Person stated that wind energy is good for the environment and helps to meet clean air goals and provides a targeted stimulus of jobs for the local work force.

Ms. Person referred to an assessment that was made of the economic benefits of the Shiloh III project. She said that it goes without saying that the project will bring a major boost to Solano County at a time when it is really needed. She said that the project will also advance the clean energy cluster which was an initiative born out of a partnership between Solano EDC and Solano County. Solano County's energy cluster is rapidly transforming and creating new opportunities for economic prosperity and job growth. Ms. Person said that enXco has been a leader in renewable energy for more than 2 decades and have developed and operated large scale wind projects throughout the United States.

Al Medvitz, 8192 Montezuma Hills Road, Rio Vista, stated that he and his wife own and operate a ranch that is adjacent to the project. He referred to the area map noting that the property in question is just south of the Shiloh III project and is highlighted in purple. He said that the property is listed as being Solano Land Trust property and managed by the land trust which is incorrect. He stated that he and his wife own and operate the property. Mr. Medvitz explained that the land trust owns a conservation easement on the property and their obligation is to ensure that the property is managed in keeping with the environmental values that have been agreed to. Mr. Medvitz stated that they chose not to have windmills on their property. He said the reason is because they have a very strong commitment to the historical and environmental values of the area. He made it clear that they are not opposing the project, but are just commenting on the character and quality of the EIR.

Mr. Medvitz stated that they believe that ultimately as the rest of the region industrializes there is no escaping the fact that these are giant industrial machines, and in large numbers they industrialize the landscape. He said that if it is worth the economic cost and if it provides income to their neighbors they are fine with that. He stated that they are only interested in protecting their values and rights. Mr. Medvitz stated that their written comments that they submitted to staff have been addressed satisfactory, but they still have some concerns. Mr. Medvitz referred to the location map noting that his residence is the furthest east from the project boundaries and one of the issues raised in the staff report and EIR were setbacks. He stated that they believe it is in their best interest that the project adhere to the 1,200 foot setback for all the properties in the area. He referred to Montezuma Hills Road and Emigh Road saying that the EIR mentioned that it is possible those setback requirements could be changed so that these machines would be much closer to the road. He said that Montezuma Hills Road and Emigh Road are primary entries and exit for

emergency vehicles and are also an alternative route for Highway 12. Mr. Medvitz stated that there is not a definitive answer of what the failure rate is for those machines. He said there is a good description of what the consequences are if they fail, but no information on the rate of failure in what happens in extreme events like a big storm or earthquake or the like. He requested that if this project is approved that staff modify the document so that the standard maximum safety setbacks along those two roads be part of the permit approval.

Jim McPherson, P. O. Box 653, Rio Vista, stated that he owns and operates a business called McPherson Crane and Rig in Rio Vista, and noted that enXco is one of their customers. He said that approximately 35% of their business is in the wind power industry in the Birds Landing, Montezuma Hills, and Altamont Hills areas. He said that their business has been dropping approximately 30% per year since 2008 due to the economy. Mr. McPherson commented that enXco has stated that they are considering hiring local contractors to help with the work. He said that this will have a lot of positive impact on the local community. Mr. McPherson commented that his wife owns a restaurant on Highway 12 and the wind power industry has supported her business over the years. He also mentioned that their community in Rio Vista does a lot of fundraising and enXco is a big player in their efforts and are always there to support different local charities at fundraising events.

Since there were no further speakers, Vice-Chairman Boschee closed the public hearing.

Commissioner Barnes stated that there has been nothing but overwhelming support for this project and he did not see any reason for the commission not to support it.

Commissioner Rhoads-Poston asked the applicant to respond to Mr. Medvitz's request about modifying the road setbacks.

Dick Timmons, project manager, enXco, stated that they will re-examine this issue. He stated that they did conduct a blade study in the EIR which includes an added 25% safety factor on distance which was used for the road setbacks. In terms of property line setbacks, Mr. Timmons stated that the 3 turbine heights setback was observed, which is the county's requirement. He commented that they have relocated several turbines because they were originally within that setback and they also removed 8 turbines from the project.

Vice-chairman Boschee stated that another concern that was brought up was the question of property ownership. He asked staff to verify ownership and make the correction in the report if necessary.

A motion was made by Commissioner Barnes and seconded by Commissioner Karah to adopt a Resolution certifying the Final Environmental Impact Report based on the recommending findings, and adopt a Resolution approving Use Permit Application No. U-09-06 based on the recommended findings and subject to the recommended Conditions of Approval, with the deletion of Condition No. 74 as recommended by staff, and adopt the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program (MMRP). The motion passed unanimously. (Resolution Nos. 4542 and 4543)

3. **ANNOUNCEMENTS and REPORTS**

Mike Yankovich informed the commission that they will have one item scheduled for their November 18th meeting. He said that as of this time there is nothing scheduled for the month of December.

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