

# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

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## **Meeting of June 20, 2013**

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, Walker, Tubbs and Chairman Boschee

**EXCUSED:** Commissioner Cayler

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

Items from the floor - none

**The approval of the Minutes** of the regular meeting of April 18, 2013 was postponed to the next scheduled meeting to allow for a full commission to be present.

Chairman Boschee welcomed Rick Tubbs as the newest member of the planning commission.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-12-16 and Marsh Development Permit Application No. MD-12-04 of **Crown Castle** for a wireless communication facility consisting of a 105 foot tall monopole within a 3,600 square foot lease area located at 3475 Chadbourne Road, .75 miles south of the City of Fairfield in an "A-SM-80" Suisun Marsh Agricultural Zoning District, APN: 0046-320-190. The Zoning Administrator 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 the written staff report. The applicant is requesting a use permit to install a telecommunications facility consisting of a 105' multi-carrier monopole within a 3,600 square foot lease area. The lease area would also contain the ground equipment necessary to operate the site. The applicant is also requesting a marsh development permit as the proposed site is located within the Secondary Management area of the Suisun Marsh. Ms. Avery noted that the project complies with the County's requirement for new wireless communications facilities and that a negative declaration has been prepared in accordance with CEQA requirements. Staff recommended approval of the project.

Matthew Yergovich spoke on behalf of the applicant. He stated that the proposed tower is to replace a nearby Crown Castle tower. He noted that by building this new replacement site it would alleviate issues with lease renewal, access, and upgrading problems. He said the benefit of this project would be the elimination of a taller tower, the setback would be further from view of the freeway and Cordelia Road, and it would allow for co-location. Mr. Yergovich stated that the applicant concurs with staff's recommended conditions of approval.

Chairman Boschee opened the public hearing. Since there were no speakers, the public hearing was closed.

A motion was made by Commissioner Tubbs and seconded by Commissioner Rhoads-Poston to adopt the Negative Declaration and the mandatory and additional findings and approve Use Permit Application No. U-12-16 and Marsh Development Permit Application No. MD-12-04. The motion passed unanimously. (Resolution No. 4594)

2. **PUBLIC HEARING** to consider Use Permit Application No. U-13-02 of **Libmrducks, LLC (Don Jordan)** to establish a duck club which consists of an existing main dwelling used as the duck club quarters and the proposed replacement of a second dwelling for the caretaker of the duck club property. The project is located at 3763 Gum Tree Road, 4.5 miles south of the City of Suisun in an "MP" Marsh Preservation Zoning District, APN: 0046-190-010. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Ms. Avery gave a brief presentation of the written staff report. The applicant is requesting a use permit to recognize an established hunting club which consists of an existing main dwelling used as the hunting club headquarters and the proposed replacement of a secondary dwelling to be used as a residence for the property manager.

The applicant has indicated that there has been a private hunting club operating on the property since the 1920's. For this reason the hunting club was considered a legal non-conforming use. The current Solano County Zoning Regulations requires an approved use permit for hunting clubs. Also, since secondary units are not allowed-by-right in the Marsh Zoning District, the demolition of the secondary dwelling, caused the loss of the legal non-conforming status of that dwelling. Therefore, staff is recommending that the manufactured unit for the resident property manager be included with the use permit for the hunting club operation.

The proposed placement of the new manufactured unit meets the current setback requirements as stated in the zoning regulations.

Commissioner Tubbs asked about the demolition of the original building and the reconstruction of the levee.

Don Jordan, Don Jordan Construction, 718 Hemenway Street, Winters, spoke on behalf of the applicant. He stated the reason the original structure was demolished was due to a leak in the levee which was located underneath the house. He said the only way the levee could be

repaired was to demolish the structure. Mr. Jordan stated that a smaller unit was then placed at that location which was intended to be temporary. He said the property owner was advised by county staff that even a temporary structure needed a conditional use permit, so the consensus was to apply for permanent status.

Chairman Boschee opened the public hearing. Since there were no speakers, the public hearing was closed.

A motion was made by Commissioner Walker and seconded by Commissioner Tubbs to determine that the project qualifies for Categorical Exemption Section 15302 (Replacement of Existing Structures) per the California Environmental Quality Act, and approve Use Permit Application No. U-13-02 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4595)

3. **PUBLIC HEARING** to consider **Zone Text Amendment No. ZT-13-02** to adopt an ordinance amending Chapter 28 (Zoning Regulations) to define and prohibit the establishment of medical marijuana dispensaries within the unincorporated territory of the County of Solano. 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: Jim Leland) **Staff Recommendation:** Approval

Jim Leland provided an overview of staff's written report. In response to a growing interest in the establishment of medical marijuana dispensaries, the Board of Supervisors adopted an interim ordinance prohibiting the establishment of any business that cultivates, sells, or distributes medical marijuana within the unincorporated territory of the County. The interim ordinance will expire in August of this year.

The Board of Supervisors further directed the staff to prepare a permanent ordinance banning dispensaries within the unincorporated territory of Solano County. The Planning Services Division, in consultation with the County Counsel's office, has been developing a permanent ordinance to regulate medical marijuana. The ordinance was contained the staff report.

Chairman Boschee inquired about dispensaries being located within the CN zoning district.

Mr. Leland explained that dispensaries are currently allowed in the CN district by interpretation, and this is one of the reasons the ordinance is being brought forward.

Chairman Boschee stated that as he recalled there was a proposal that would limit the dispensaries to a very small area within the county.

Mr. Leland responded that initially the county felt the CO district was the only district in which this use could be established. He noted that the CO district was subsequently eliminated from the code. On further reflection, it appeared that the CN district would also permit this use. Mr. Leland stated that dispensaries are currently banned by an interim ordinance but the ordinance is only in effect for two years and that two year limit is quickly approaching.

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

Commissioner Walker spoke in reference to the Federal Control Substances Act, the Medical Marijuana Program Act, Prop 215, and several Supreme Court Decisions. He indicated that the former and current California Attorney Generals both have affirmed the right of Californians to access marijuana for medical use. He described some of the guidelines for the establishment of medical marijuana collectives and cooperatives. Mr. Walker stated that he would not be supporting staff's recommendation as proposed. He said that he would rather see a regulatory ordinance that authorizes a limited number of operations in lower impact districts and use data obtained from the courts and the attorney general office as initial framework as was promulgated by California voters, the state legislature, and both of the recent Attorneys General.

Chairman Boschee stated that the commission has expressed in the past their opinions and feelings regarding medicinal marijuana. He stated that unfortunately the way marijuana is being sold today does not work and a change needs to be made. Mr. Boschee said that he believed it should be handled through pharmacies where there is regulation and oversight to help eliminate the abuse that is unfortunately taking place. Mr. Boschee said that there are a great number of people who need this medicine and he was uncomfortable with the idea of limiting the ability for them to obtain the medication forcing them to seek it by illegal means.

Commissioner Rhoads-Poston commented that because people are so passionate about this topic she did not believe there will ever be a perfect solution. She stated that the last time this matter was before the commission it was announced that there were instances in other cases where a governing body could be investigated for supporting it. Ms. Rhoads-Poston said that she would like to see a solution, but felt that the commission's choices were very limited.

Commissioner Tubbs stated that he knows people who use marijuana medicinally and it benefits them greatly. However, he stated that the process in allowing these dispensaries is haphazard and allows for abuse. Mr. Tubbs stated that the commission could add their voice to those concerns by approving staff's recommendation and not allowing these dispensaries so it sends a message to those making the regulations that they need to do a better job so that it can be done right and people can benefit from it in the long run. Mr. Tubbs said if the county allows the system to move forward as is it will be a detriment to the county.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Tubbs that the Planning Commission recommends the Board of Supervisors approve Zone Text Amendment No. ZT-13-02 (Medical Marijuana), amending Chapter 28 of the Solano County Code to Define and Prohibit the Establishment of Medical Marijuana Dispensaries within the Unincorporated Territory of the County of Solano. The vote ended in a tie with Commissioners Rhoads-Poston and Tubbs in favor, and Commissioners Walker and Boschee dissenting. (Resolution No. 4596)

4. **PUBLIC HEARING** to consider **Zone Text Amendment No. ZT-12-01** to consider adopting an ordinance amending Chapter 28 (Zoning Regulations) to include the following sections: Section 28.01 Definitions; Section 28.21 Exclusive Agricultural (A) Districts; Section 28.41 Commercial Districts; Section 28.73.10 Recreation Uses; Section 28.73.20 Education Uses; Section

28.73.30 Public Assembly Uses; Section 28.74.10 Retail Uses; Section 28.74.20 Office Uses; Section 28.75.10 Agritourism; Section 28.75.20 Temporary Agritourism; Section 28.76.10 Agricultural Services; Section 28.76.20 Commercial Services; Section 28.77.10 Industrial, Manufacturing and Processing Uses; 28.77.20 Wholesale Uses; Section 28.78.10 Communication Uses; Section 28.78.20 Infrastructure Uses; Section 28.78.30 Public Service Uses; Section 28.78.40 Temporary Public Construction and Infrastructure Uses; Section 28.96 Sign Regulations; Section 28.101 Administrative Permit; Section 28.106 Use Permit. 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: Jim Leland) **Staff Recommendation:** Approval

Mr. Leland indicated that the staff recommendation has changed and staff is now recommending that the commission conduct a public hearing and take testimony on this item, provide any direction to staff, and then continue the matter to the regular meeting of August 1st. He explained the reason for this is that staff would like to integrate additional information into the amendment relating commercial uses.

Mr. Leland gave a brief overview of the report stating that the amendments are designed to bring the County's zoning regulations into conformity with the General Plan and to modify and simplify the zoning regulations and permitting requirements, principally as they pertain to the Exclusive Agricultural (A) district and Commercial districts. He indicated that the proposed zone text amendments would modify the Exclusive Agricultural District to permit additional agritourism and event uses, reorganize the land use regulations pertaining to agritourism, events and other uses, and permit temporary land uses on certain lands pending annexation to the City of Vacaville; modify regulations pertaining to commercial uses; modify the sign regulations to permit additional sign types within the Exclusive Agricultural district and permit additional signage for multi-tenant developments with a Master Sign Permit; and modify the procedural requirements for administrative permits and use permits.

With regard to agritourism, Commissioner Walker inquired if at the time the use is considered by a particular hearing body, if issues such as parking and traffic and any conditions, if necessary, will be determined at that time.

Mr. Leland pointed out that the zoning code sets forth minimum standards and requirements that all agritourism uses would be required to meet. For certain specific types of agritourism there may be more standards or requirements embodied in the code. In addition to that, if a discretionary permit is required, additional conditions of approval can be placed on the project given the circumstances of the particular site and environment surrounding it.

Commissioner Rhoads-Poston spoke with regard to design standards. She referred to the City of Vacaville's design requirements which are listed under Temporary Urban Commercial uses. She inquired if these standards would also apply to properties located outside of the Vacaville area.

Mr. Leland stated that those standards are intended for properties that are within the City of Vacaville's Sphere of Influence. Ms. Rhoads-Poston asked staff to make that intention more clear in the code so that it is not interpreted as an across the board requirement.

Commissioner Rhoads-Poston also asked staff to provide examples of screening where the code refers to screening from public view so there is less room for personal interpretation. She suggested using examples such as bushes, cypress trees, natural landscape, etc. Ms. Rhoads-Poston also inquired if special events would need clarification with regard to whether it refers to a third party user.

Mr. Leland stated that a special event is defined as being a situation where an outside party has hired the use of the land. He said that staff would take another look at the verbiage.

Commissioner Tubbs inquired about the process a landowner would follow to measure noise levels. He stated that his concern is this may cause an undue burden on the landowner which could lead to the cancellation of a special event.

Mr. Leland explained that the code sets forth some objective standards. He said proof in advance of an event is not necessarily required. He said that the noise standard requirements are listed in the permit and it is up to the permittee to live within the guidelines. Mr. Leland stated that enforcement in Solano County is driven by complaint. If there are complaints against the venue for loud noise, then code enforcement staff would become involved. He said that a sound measuring device can be used to determine noise levels.

Commissioner Tubbs spoke with regard to the 30-day requirement to notify neighboring property owners and if there is an accommodation which could be made to allow for more spontaneous events to occur.

Mr. Leland stated that this provision was requested by the Ag. Advisory Subcommittee because the farming industry wanted notice of when increased traffic would be in the area so that farmers could make accommodations with regards to their farming activities. Mr. Leland noted that this rule does not apply to someone who is throwing a private party; it only affects someone who may be renting the facility in order to have an event.

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

Chairman Boschee continued this item to the regularly scheduled meeting on August 1, 2013.

5. **PUBLIC HEARING** to consider **Zone Text Amendment No. ZT-12-04** to adopt an ordinance amending Chapter 28 (Zoning Regulations) to incorporate permitting procedures and land use regulations for commercial solar energy facilities in the Exclusive Agricultural Zone Districts within the unincorporated territory of the County of Solano. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Nedzlene Ferrario) **Staff Recommendation:** Approval

Nedzlene Ferrario gave a brief presentation of staff's written report. Currently, the County has been interpreting that commercial solar energy facilities fall under the broad definition of Public Service Utility land use category of the Zoning Code which requires a Planning Commission level use permit. Due to recent discussions of tentative proposals for solar facilities in the

unincorporated areas, planning staff was directed to develop specific permitting procedures and land use development standards to address utility scale solar energy facilities in the agricultural zones. The first, and only, application currently in process is located on the west side of the intersection of Meridian and Hay Road, proposed by Gestamp Solar (application no. U-11-04). The project consists of 1-14 MW photovoltaic facility either on the northwest (153 acres) or southwest (133 acres) corner of Meridian and Hay Road. Several tentative discussions by other solar proponents include the areas north of Highway 12 and 113, and the Montezuma Hills area.

Commissioner Walker asked for clarification regarding AG Policy 58 which speaks to siting compatibility stating that the policy seemed to be out of balance.

Mike Yankovich stated that with regard to renewable projects and specific site characteristics, the county is trying to maintain the viability of the project and also the viability of agriculture, as well as Travis AFB. As identified in the general plan, the county needs to try and accommodate those siting characteristics to accommodate both uses. He said there are important issues that have to be addressed regarding renewables, but at the same time balance the economic engines of the county. Mr. Yankovich noted that in this case the ordinance was introduced as a result of a project that has been proposed near Travis AFB. Even though in the general plan it is mentioned that the county encourages renewables, there is a need to balance it with what is taking place in the county with regards to existing uses.

In response to Commissioner Walker's inquiry, Mr. Yankovich responded that this use is not allowed by right. He said that it gives an area in the county from which the proponent can look for a site to accommodate a project, but it is discretionary and the project would have come before the planning commission.

Commissioner Tubbs stated that solar is a growing industry and Solano County is prime for this type of use due to the weather patterns and the amount of sunshine. He stated that getting this ordinance right is paramount in the future. Mr. Tubbs inquired about the 60 foot setback.

Ms. Ferrario stated that the 60 feet was derived from determining the adequate amount of space between the solar facility and the adjacent agricultural activity. It creates a buffer for the active farming and also allows for space as a visual buffer.

Mr. Yankovich added that when this item was discussed with the Ag. Advisory Committee, 60 feet was seen as a middle ground to accommodate landscaping, as well as a reduce impact to agricultural pesticide overspray.

Commissioner Tubbs spoke with regard to glare. He said that he would like to see the language spelled out more clearly that glare will not be a safety hazard to aerial activity. He wanted the issue of glare to be mentioned in respect to safety of the high volume of air traffic that exists in the county due to the Rio Vista and Nut Tree Airports as well as Travis AFB. Mr. Tubbs inquired as to why the previously mentioned use permit application is being excluded from the provisions of this ordinance.

Ms. Ferrario stated that the idea behind the exclusion was that the draft ordinance was developed after the application was filed. Mr. Yankovich explained that typically what the county

has done in the past is if a project is filed before an ordinance is considered it is generally recommended the application be exempt from its provisions. Mr. Yankovich commented that it does not mean the commission has to accept that recommendation and can request that the application be included as part of the ordinance.

Commissioner Tubbs stated that he did not feel it would be a good idea to construct these guidelines for solar projects in the county and then the first thing the commission does is to allow someone to get around them. He stated that he would like to see this application included or he would let his intentions be known that when the project comes before the commission he would be tentative to approve a project on prime agricultural land especially when there is standing guidance saying otherwise.

Chairman Boschee opened the public hearing.

Al Medvitz, P. O. Box 565, Rio Vista, stated that he farms 3,700 acres of land in the Montezuma Hills. He said that his land is very productive and is designated non-prime. He said that they grow wheat, graze sheep and produce thousands of pounds of meat and wool. Mr. Medvitz noted that he is a member of the ag committee, but due to a variety of circumstances he was not able to attend the meeting at which a vote regarding this ordinance took place. He said that one aspect of this ordinance is the idea of prime land being particularly valuable. He said that many non-prime lands produce strawberries, wine grapes, olives, nut crops and a variety of very high value crops because of the nature of the climate. Mr. Medvitz stated that prime is not an appropriate way to define agriculturally valuable lands in Solano County. He noted that the ag committee has recently formed a working group who are working on an alternative system of evaluating local lands to take into account the unique situation. He said that this is a premature ordinance because the discussion is not complete, and while it is a very good ordinance in a lot of ways, it has problems that need to be fixed to make it an appropriate ordinance for Solano County.

Mr. Medvitz suggested that the commission send the ordinance back to the ag committee for discussion. He stated that in the interim there are many non-agricultural lands in the county on which large scale commercial solar can be placed, including areas in the municipalities where solar production is uniquely compatible. Mr. Medvitz noted that each of the localities in the county is developing unique local specific plans. He stated that there is a lot of data still missing from the southeast region of the county in terms of the kind of farming that goes on there and the value of the agricultural land that would be important in formulating an ordinance that would be applicable to that part of the county. Mr. Medvitz stated that he believed this is a good ordinance but felt that it is still a work in progress.

Commissioner Tubbs asked Mr. Medvitz how long he believed it would take for the committee to discuss their idea of valuable farmland vs. land available for solar farms.

Mr. Medvitz estimated that it would take several months. He commented that Yolo County has a template that the committee could review for ideas. He noted that currently the working group is drafting a letter to the Board of Supervisors asking them to authorize county staff time to help in this process.

Commissioner Rhoads-Poston wanted to know the current process of how land is evaluated or when the last time land in the county was evaluated for its richness.

Mr. Yankovich responded that the last evaluation in the county with regards to the availability of moisture and adequate growing conditions for crops was based upon a USDA classification in the 1950's. The mapping comes from the Department of Conservation with regards to what is identified as prime and non-prime farmland soil characteristics. That is the basis that the current and past general plans have used. Mr. Yankovich stated that what Mr. Medvitz is referring to is another type of use of evaluating properties with regards to actual use and site evaluation for crops, because in some instances even what is considered non-prime can still generate a good crop where the existing system does not take that into account. Mr. Yankovich stated it would take a fair amount of staff time and he would not expect that it could happen before the next year. He said that in the interim that is why the commission has before them the ordinance dealing with the specific conditions that have presented themselves today.

Commissioner Rhoads-Poston stated that she was told by one of her friends, who is a farmer, that there is property in the county that is designated prime but it has been fallow for many years because crops will not thrive there.

Commissioner Walker inquired if the ordinance specifies recommended siting for solar energy.

Mr. Yankovich stated that the ordinance is not specific. He said that the general plan contains policy and the zoning ordinance contains the detailed regulations governing those types of uses. The general plan encourages renewables however it needs to be balanced in terms of the agricultural and other types of uses that are taking place in the county that are important with regards to viability.

Ian Anderson, 6269 Birds Landing Road, Birds Landing, stated that he farms land out in the Montezuma Hills. He said that he believes the ordinance is a good idea and that mitigation is good because it shows that we are valuing our prime agricultural lands. Specifically looking at the general plan, he stated that in 1984 the county encompassed 400,000 acres of ag land and in 2006 there were 40,000 acres less. Each year Solano County loses land and not just prime but a combination; approximately 1,800 acres a year. Mr. Anderson stated that instead of using up high quality agricultural lands the county needs to first look at rooftops and other non-agricultural lands, and then only when those avenues are fully utilized look at an ordinance that would open agricultural lands. Mr. Anderson referred to the policy which speaks to the county's agricultural lands as irreplaceable resources for present and future generations. It recognizes that agriculture is to be the predominate land use in the Dixon Ridge, Elmira, Maine Prairie, Montezuma Hills, Ryer Island, and Winters regions. These are agricultural areas where preservation efforts should be focused and conflicting land uses avoided. Mr. Anderson stated that he sees industrial solar as a conflicting land use. He agreed that the ordinance should go back to the ag committee for further review.

Margaret Anderson, 6269 Birds Landing Road, Birds Landing, stated that in the draft ordinance it states that these standards are intended to protect and promote public health, safety, and community welfare, while enabling renewable solar energy and supporting agricultural production. She questioned whether the purpose as stated is feasible. She said that she

supports renewable energy and has several wind turbines on her property. She did not believe that solar farms are compatible with agriculture because they would remove large acreages from productivity whether on prime land or lands designated as state wide importance, unique, or as grazing land. Ms. Anderson noted that the California Department of Finance estimates that by 2050 the state's population will double. During that time some counties are expected to see the population jump more than 200 percent and in Solano County finding the space to accommodate that estimated population growth will strain the county's ability to protect and value agricultural lands as irreplaceable resources. Ms. Anderson felt that grazing lands are not looked at as importantly. She stated that her farm produces some of the best lamb, beef, and goat meat that can be found. They also produce dry land grains, hay, safflower, and with new technologies that are emerging, are now branching out into grapes and olives.

Ms. Anderson questioned the sensibility of sacrificing one renewable resource, agricultural land, for another, solar. She stated that in the face of expected population growth there will be added demand of producing more food. Ms. Anderson requested the commission recommend the development of utility scale electrical power generation facilities are limited to already developed, municipal land such as roof tops of large warehouses, parking lots, malls, freeway divides or unincorporated lands where soil is damaged to the extent that it is unable to grow healthy food and fiber. Ms. Anderson suggested several changes to the ordinance. She referred to Item 11A suggesting to broaden the exclusion to all agricultural lands; Item 11B, to specifically state that the mitigation must occur in Solano County; and add criteria for the guarantee that water is not going to be affected.

Commissioner Tubbs stated that the main concern appears to be finding a better way to identify places to put solar farms that will not impact agriculture. He inquired if there is a way to identify those areas.

Mr. Yankovich stated that there is no way of being able to recognize where unusable soils are located. He said that is why the zoning is limited to the A-20 and A-160 areas because that is in the extensively non-prime areas of the county.

Commissioner Tubbs inquired if the ag committee had the ability to identify those kinds of areas.

Mr. Medvitz stated that he believed the committee could research the issue if requested. He personally believed that there are places such as the Lambie land trust and landfill areas that might be identifiable around the county.

Jim Laughlin stated that since this is a land use ordinance the county cannot take the approach of deciding sites within the county that are appropriate for this type of project. The first approach is to determine what zoning districts within the county are appropriate, and then standards can be developed to be applied within those zoning districts. He stated that under the current zoning ordinance these types of projects are not explicitly addressed but are grouped under the larger heading of public service facilities. Public service facilities are allowed in virtually every zoning district with a conditional use permit. The purpose of this proposal is not to open up new areas to these types of projects, but instead to put various areas of the county off limits. The longer the commission holds off on taking action on this leaves the possibility that these types of projects could be proposed anywhere within the county.

In response to Commissioner Tubbs' inquiry, Mr. Laughlin stated that the zoning ordinance in a sense reflects county policy of what appropriate land uses are. Official county policy is that these types of projects are appropriate throughout the unincorporated area and they will be reviewed on a case-by-case basis through the use permit process. The purpose of the ordinance is to focus that policy to say that these projects are only appropriate in certain areas and not throughout the entire unincorporated county.

Commissioner Walker inquired if any non-agricultural zoning districts were contemplated when this ordinance was crafted.

Mr. Yankovich stated that no other districts were looked at. He explained that in considering a utility scale project there are not many acres available in the commercial or industrial areas of the county. He noted that the one industrial area that has been talked about is the Lambie Industrial Park, but there are a number of issues with regard to biological concerns on that property.

Jeanne McCormack, 8192 Montezuma Hills Road, Rio Vista, questioned why roof tops and parking structures were not looked. She agreed that we need solar power but to just dismiss urban possibilities, particularly for solar power which seems more suitable for urban areas, is a mistake. Ms. McCormack requested the commission wait until the ag committee finishes their re-evaluation before including A-160 lands. She noted that in 2008 the first planting of grapes took place in the Montezuma Hills and it is proving to be very profitable. New plantings are going in this year and next year as well. Currently discussions are underway about a significant planting of olives and the processing of olive oil. Ms. McCormack stated that prime land is known for producing high value crops but high value crops are beginning to be produced on A-160 farmlands. She did not believe the county should deny additional revenue.

Nate Pyron, Travis Air Force Base, stated that after reviewing the ordinance and the land use surrounding Travis there are two serious potentials for large scale commercial development. The first is glint and glare. He acknowledged that there are anti-reflective panels available but they still give off a certain amount of reflectivity. Another concern is the impact to radar and a large scale project could cause clutter within the radar. Mr. Pyron stated that he did not believe it would be appropriate to site solar farms within the Travis Reserve.

Mr. Yankovich stated that the ordinance as it is being presented does not allow anything in the Travis Reserve Area.

Mr. Pyron stated that siting these projects on landfills would be the best option, but each site is very specific and would need to be evaluated separately and through the environmental process. Such as in the case of the Potrero Hills landfill, the site sits on a hill at an elevation which could cause a potential glare issue. He reiterated the need to preserve the Travis Reserve to prevent incompatible encroachment.

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

Commissioner Walker stated that it does not appear the county has the ability to narrow that down because we are looking at zoning districts which are spread throughout the county so there is not a mechanism to accommodate that kind of restriction with specific hilltops. He said that something within the reserve area is one thing, but spread throughout the county we do not have the ability to do that.

Mr. Laughlin stated that currently that type of project would be processed through a conditional use permit and that would be an issue that would come up in the environmental review. At the hearing it could be treated on a case-by-case basis, but there would not be a county policy saying that the Travis Reserve Area is off limits to these types of projects.

Commissioner Tubbs stated that this is something we have to get right because it is the future. He said that he would like to invigorate the ag committee to help in this process because what we are trying to do is figure out how to do it right, and if we have some good data we can make a better decision. He stated that as we look forward at this ordinance, and perhaps as a way of helping the community understand it, there could be some kind of preface indicating what the county is trying to accomplish in this process. This would help companies to start looking in the right places and not waste time looking in areas that the commission will not support.

Commissioner Boschee stated that he is not comfortable with the prime vs. non-prime designation. He said it does not seem to be the right approach for the number of reasons that have already been expressed. He said it appears that a lot of non-prime land is actually prime and are being used for crops. At the same time we have to find a way through the zoning process to begin to narrow down where these projects can be located. Mr. Boschee stated that the ordinance is a good start but he could not support it at this time. He stated that another concern would be the maintenance of these photo cells and how they would be kept clean from dust and dirt and if water would be used. He noted that this would be an environmental issue that would need to be addressed.

Mr. Yankovich stated that we have an existing system which cannot be changed without a good amount of work. He said that given the existing constraints, we have to work within the existing zoning. Mr. Yankovich stated that staff will take some of the concerns that were expressed at the hearing and add additional language to the ordinance and bring it back to the commission for discussion.

Chairman Boschee continued this matter to the regularly scheduled meeting on August 1, 2013.

6. **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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