

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of August 1, 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, Cayler, Walker, Tubbs and Chairman Boschee

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Leland, Principal Planner; Nedzlene Ferrario, Senior Planner; Jim Laughlin, Deputy County Counsel; David Cliché, Building Official; Stan Schram, County Surveyor; Nick Burton, Civil Engineer; Terry Schmidtbauer, Environmental Health Program Manager; Jeff Bell, Environmental Health Specialist; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

There was no one from the public wishing to speak.

The Minutes of the regular meeting of April 18, 2013 were approved with a correction to remove Commissioner Tubbs as being absent. The minutes of June 20, 2013 were approved as prepared.

1. **CONTINUED 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:** Continue this item to the regular meeting of September 19, 2013.

Staff recommended that the Planning Commission continue this item to allow additional time to resolve issues identified in the proposed amendments.

A motion was made by Commissioner Cayler and seconded by Commissioner Tubbs to continue this item to the regularly scheduled meeting of September 19, 2013. The motion passed unanimously.

2. **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:** Continue this item to the regular meeting of September 19, 2013.

Nedzlene Ferrario stated that on June 20, 2013, the Planning Commission heard staff's presentation and community concerns regarding the draft ordinance. The item was continued to August 1 for further discussion. She noted that during the prior public hearing, several community members expressed concerns. She reviewed those concerns along with staff's responses to comments as contained in the staff report.

Commissioner Walker referred to page 12 of the staff report with regard to Senate Bill 618 and inquired if that could affect both prime and non-prime designated lands. Ms. Ferrario responded that it could affect both designations.

Jim Laughlin spoke further with regard to SB 618. He noted that in 1969 a provision was added to the Williamson Act indicating that gas, electric, water, and communication facilities were generally deemed to be compatible in agricultural preserves, but that local city councils and boards of supervisors could make a finding that those uses were not compatible within their jurisdictions. Those jurisdictions might consider cancellation of contracts, or make a finding of overriding public purpose for solar panels due to renewable energy production goals, or may want to wait for contracts to be non-renewed before the project is built on the property. He explained that SB 618 creates a new process that can be used. It allows a jurisdiction to replace an existing Williamson Act contract with a new solar conservation easement. One of the fundamental differences is that the Williamson Act contract is on a 10 year constantly renewing term, where these new solar conservation easements are on a 20 year constantly renewing term. It also makes the property eligible for tax reduction similar to what the Williamson Act does. When land is converted from Williamson Act contract to the solar conservation easement, the local agency will get a fee based on the value of the land. He said it is another option available to the county. He said there are some very specific requirements in order to do the conversion and are basically limited to marginal agricultural lands. Mr. Laughlin stated that this is something that the commission may want to consider for Solano County, it may want to find that solar projects are not a compatible use in agricultural preserves that allow this alternative of a solar conservation easement.

Chairman Boschee opened the public hearing.

Michael Smith, 590 Corte Cala, Vacaville, spoke on behalf of the applicant. He stated that this is not an all or nothing project. He stated that they are planning for a mix of productive agricultural land under the solar panels. He said that after 20 years the panels would be removed and the agriculture could be restored. Mr. Smith said the thought of solar panels eliminating the use of agriculture is not the condition for this project and he hoped that the commission could work with the applicant to prove that the land will still be productive agricultural land.

Rick Russell, 2070 Bailey Circle, El Dorado Hills, spoke as a representative of CoCo properties, LLC, who own land in the Montezuma Hills. He stated that they have owned property for many years and have done what they can in sustainable ownership practices. He spoke to years past when wind projects were up and coming, and at that time there was quite a bit of controversy over whether or not these projects would come to Solano County. What the county did was create an opportunity which opened the door and now there are close to 1,000 megawatts of wind generation coming out of the Montezuma Hills. Mr. Russell stated that there is no reason to think that the solar opportunities within the hills would not reflect that same level of construction and production. He stated that he is a strong advocate for finding multiple uses that capitalize on all of the opportunities of a particular piece of ground.

Barry Sgarrella, 1100 Carbro Ridge, Novato, Chief Executive Officer, Solagra Corporation stated that his company is a firm that is dedicated to the development of solar power that co-exists with, and compliments farming operations. He stated that they have been working on a solar project on Ryer Island since 2011. They have encumbered a portion of the land on the island which encompasses 2,442 acres. This property is along the northwest corner of the Island and was specifically selected because of the high water tables. He said that there are not particularly great yields in that area, so it was thought if they are going to have a project that would be a good place to have it. Mr. Sgarrella stated that their normal process would be to develop a project and bring it to the county when they are little further up the power curve, but in this instance, since this undertaking has occurred, they believed it would be better to bring this up now and give the commission an idea of what they have in mind. He described the project as spanning across a number of ranches and building the project in phases with each phase being 300 acres. He said that each ranch will represent approximately 100 megawatts of power. Mr. Sgarrella stated that Ryer Island is ideal and is close to the grand substation which is one of the main points of connection to the power grid. There would be no new transmission lines that would have to be installed or new easements required. Mr. Sgarrella stated that their intention is to maintain the agriculture beneath the solar panels. He said that the current zoning amendments are based on the thought process that agriculture and solar power generation are mutually exclusive which they are not. He said that they are currently working with experts from UC Davis and have gone through detailed processes of what crops can be grown and how they can rotate their tracking systems to support that growth.

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

In response to Commissioner Tubbs' inquiry, Mr. Sgarrella stated that he would provide further information in advance to the commission with regard to the process of growing crops underneath solar panels.

Commissioner Cayler made note that the two really important steps in farming are planting and harvesting. She said that these activities require large machinery and she believed that this could become an issue due to the limited space around these types of projects.

Chairman Boschee continued the public hearing to the regular meeting of September 19, 2013.

3. **PUBLIC HEARING** to consider Use Permit Application No. U-13-03 of **Westside Tracks, LLC** to establish a new winemaking and distillation facility on four parcels totaling approximately 116 acres

located at 2658 Cordelia Road, .1 mile west of the City of Fairfield in an "A-SV-20" Suisun Valley Agriculture and "A-SM-1" Suisun Marsh Agricultural Zoning District. The proposed winery/distillery will be developed in phases and have an ultimate production capacity of 5 million gallons of wine per year and 500,000 gallons of spirits production per year. APN's: 0046-300-010, 020 & 030 and 0046-310-040. 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 overview of staff's written report. The report stated that the proposed winery would include facilities for the crushing, fermenting, bottling, storage, sales and distribution of wine and spirits as well as a retail sales and events center. The applicant proposes to develop a new winemaking and distillation facility on four parcels totaling approximately 178 acres, with the actual development occurring on three parcels totaling approximately 57 acres.

The proposed winery/distillery will be developed in phases and have an ultimate production capacity of 5 million gallons of wine per year and 500,000 gallons of spirits production per year. This project will allow Westside Tracks, LLC to expand production capacity, centralize packaging and wine storage and create process efficiencies due to proximity to truck and rail transportation. This facility will provide access to Solano County grapes as well as grapes from other California counties. Staff recommended approval of the project.

Chairman Boschee opened the public hearing.

The applicant, Chuck Wagner, 8700 Connecreek Road, Rutherford, stated that they are long time farmers and are a family owned and operated business. They farm grapes in Santa Barbara, Monterey, Sonoma, and Napa counties. Mr. Wagner stated that their wine business is doing quite well and they see this as an opportunity for expansion. He stated that they work effectively with other wineries to promote wine and the wine business, and came to Solano County because it is a great location. Mr. Wagner stated that they have not yet produced wine from Solano County, but do have a small amount of grapes this year that they plan to try. He felt that there are opportunities in Solano County that are untapped, and he believed there is going to be some good wines coming out of Solano County. Mr. Wagner noted that they have no intention to sell or take on investment outside the family. Their goal is to stay in the business for generations to come.

Commissioner Tubbs stated that the commission has heard testimony in the past from farmers who are expanding into vineyards and are looking to make Solano the next Sonoma County. He hoped that as the applicant's business grows that they look at some of the local farmers in the area to partner with. Mr. Tubbs inquired about the number of jobs this project would create for the community.

Mr. Wagner believed that approximately 20 jobs would be created in Phase I. He said that if the hospitality phase is successful then that would be a large contribution toward employment. Mr. Wagner stated that they plan on purchasing grapes locally. He said that they have one wine they are currently producing that would fit very well with the grapes produced at nearby ranches.

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

Commissioner Walker inquired about the issue of traffic.

Stan Schram, county surveyor, stated that the addition of 250 cars in itself is not that big of an increase, but there is such a high traffic count during the peak hours that evening traffic counts top over 900 cars. He stated that was the reason for the department's condition for a left turn lane so as not to hold up traffic in that area.

Mr. Walker stated that in the letter from Caltrans, while most of it does pertain to what they perceive to be additional truck traffic, there was mention about their concern of traffic volumes during periodic special events. He noted that the staff report indicates up to 500 attendees during a special event. Mr. Schram stated that this is a small amount that would affect the off ramps at I-80 or Highway 12. He said the additional roadway expansion will more than accommodate the additional load.

A motion was made by Commissioner Cayler and seconded by Commissioner Tubbs to adopt the Mitigated Negative Declaration and approve Use Permit Application No. U-13-03. The motion passed unanimously. (Resolution No. 4597)

4. **ANNOUNCEMENTS and REPORTS**

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