

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

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## **Meeting of February 21, 2008**

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 Moore, Barnes, Mahoney, Barton and Chairperson McAndrew

**EXCUSED:** \_\_\_\_\_

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Ron Glas, Principal Planner; Ken Solomon, Contract Planner; Stan Schram, County Surveyor; Jim Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor – none

June Guidotti, 3703 Scally Road, Suisun, spoke with regard to the Jepson Prairie organic composting facility. She inquired as to why this project was not included in the General Plan Update process, noting that under the existing general plan this activity is not allowed.

Ron Glas commented that the Jepson Prairie facility is part of the Norcal/Hay Road project, formerly known as B & J Landfill. He stated that the Norcal project which consists of both the landfill and the Jepson Prairie composting facility are owned by Norcal of California. He noted that the planning commission approved the project in 2005. The California Integrated Waste Management Board (CIWMB), and the County's Local Enforcement Agency issued subsequent permits on the project. Mr. Glas indicated that the CIWMB permits are currently up for renewal. He stated that at some point in the future the project will come back before the commission. Mr. Glas stated that the property is general planned and zoned for the existing land use.

**APPROVAL OF THE MINUTES** of the regular meetings of December 20, 2007, and January 17, 2008 were approved as prepared. The minutes of January 3, 2008 were approved with an addition to page 11 adding Commissioner Moore's name to paragraph 4 as supporting the change in language regarding Policies AR-5 and AR-7.

Commissioner Moore commented that the minutes from the previous meetings repeatedly contain questions asked by Commissioner Mahoney with respect to the identity of agricultural land, how it is established, how many acres of mitigation ground is contained within the county, how many of those acres are owned by the county, the state, the federal government, and how many acres are held in conservation easements.

Commissioner Moore stated that he would like to see answers to these questions in the form of a report from staff.

Mike Yankovich stated that staff is currently working on gathering this information. He stated that the Solano Land Trust is helping to provide those numbers. He indicated that it will be more difficult to get the information in terms of properties that are under easements because they are private and not necessarily recorded. Mr. Yankovich stated that the commission should have the information within the next few weeks.

1. **NOMINATION and ELECTION** of Chairperson and Vice-chairperson for the ensuing year.

A motion was made and seconded to nominate Commissioner Barton as Chair and Commissioner Barnes as Vice-chair for the ensuing year. The motion passed unanimously.

2. **DETERMINATION** of General Plan consistency for the vacation of a portion of State Park Road located within the City of Benicia at the intersection of Interstate 780. (Contact: Stan Schram) **Staff Recommendation:** Determine the vacation is consistent with the county's General Plan

Stan Schram gave a brief presentation of staff's written report. He stated that the City of Benicia has made application requesting the County vacate a small portion of State Park Road. The portion of the roadway to be vacated was inadvertently relinquished to the County of Solano by the State of California in December 1962, a date which post dates the 1959 annexation of the area into the City of Benicia, thereby leaving the right-of-way to a portion of the road within the County's jurisdiction. Had the City of Benicia annexed the region after the relinquishment, the road right-of-way would be a part of the City of Benicia by virtue of the Streets and Highways Code. Staff recommended approval of the request.

Chairperson Barton 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 Moore and seconded by Commissioner Barnes that the planning commission find the proposed vacation of a portion of State Park Road in conformance with the Solano County General Plan. The motion passed unanimously. (Resolution No. 4490)

3. **PUBLIC HEARING** to consider Major Subdivision Application No. S-06-01 of **Waheed & Enayat Haidari** to subdivide approximately 4.7 acres of undeveloped land into eight residential parcels ranging in size from  $\pm 23,600$  sq. ft. to  $\pm 27,500$  sq. ft., with an average size of 25,000 sq. ft. The project is located at 1017 Lewis Avenue in an "RE-1/2" Residential Estates Zoning District, less than 1 mile north of the City of Vallejo, APN: 0074-133-020. 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: Ron Glas) **Staff Recommendation:** Approval

Mr. Glas stated that the applicant proposes to subdivide the property into eight residential parcels. The project will be built around a new cul-de-sac accessed via Lewis Avenue. Additional improvements will consist of retaining walls, landscaping, driveway and drainage construction. Grading for the development is expected to consist of cuts and fills of up to 18 vertical feet to construct near-level building pads. Additional soil will be cut from the slope at the rear of the site. Mr. Glas noted that the City of Vallejo would provide domestic water service. Wastewater disposal for the proposed project will be provided by the Vallejo Sanitation and Flood Control District. Staff recommended approval of the proposed project.

Commissioner McAndrew referred to page 2 of the staff report regarding the below grade culvert. She stated that with most development projects there is an environmental review regarding runoff into existing streams and creeks. She commented that she did not see anything addressing if this is a concern. Mr. Glas stated that the Vallejo Sanitation and Flood Control District and Department of Resource Management will ensure that runoff from the lots is pre-treated. He noted that it has not been specified at this time how this will be accomplished, but it will be included as part of the improvement plans.

Commissioner McAndrew referred to page 3 regarding the discussion of the daily traffic count that was measured in 1996. She wanted to know if there is any information available in terms of how population has changed in the past 12 years that might affect that count. Stanley Schram explained that the traffic count falls well within the low range, and he did not believe there has been much development in that area of the county that would raise it to a level where wider roads are needed than already required. Mr. Schram explained that the Department generally does a contemporary count on a rolling basis. He did not know why the 1996 count was the latest on record, but he did not believe there has been much change to warrant doing a current set.

Commissioner McAndrew pointed out a discrepancy in the dates on page 4 regarding the environmental determination. Mr. Glas noted that these were typographical errors and indicated that the correct date is 2007 not 2005.

Commissioner McAndrew referred to page 11 regarding Condition No. 6 pertaining to the pad elevation for Lot 1. She stated that there was some discussion in staff's presentation about Lot No. 6. and inquired if that lot should also be included in this condition. Mr. Glas stated that when he discussed this project with the applicant, he pointed out that it would be a feasible benefit to the project, but he did not have an overriding reason to make this a mandatory requirement. He said the primary concern was the elevation of Lot 1.

Commissioner McAndrew referred to page 37, Section VIII, with regard to the post construction drainage. Mr. Glas explained the various ways to perform natural pre-treatment of runoff from development lots. He stated that on a small scale subdivision like this one, it should not be an issue. Mr. Glas stated that at the stage of approval of the

improvement plans, the Public Works division along with the Vallejo Sanitation District will be reviewing the plans.

Commissioner McAndrew commented that she has driven by the project area and was shocked at how much garbage is piled in front of some of the residences. Mike Yankovich noted that there are numerous code enforcement issues with regard to this area, and noted that there are various actions being taken within the difference stages of enforcement.

Chairperson Barton opened the public hearing.

The applicant, Enayat Haidari stated that he concurred with staff's recommended conditions of approval.

Since there were no further speakers, Chairperson Barton closed the public hearing.

A motion was made by Commissioner Moore and seconded by Commissioner Barnes to adopt the resolution recommending that the Board of Supervisors adopt the Mitigated Negative Declaration and approve Major Subdivision Application No. S-06-01 based on the recommended findings and subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4491)

4. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-05-25 and Final Environmental Impact Report (FEIR) for the **Shiloh II Wind Project**, as sponsored by Shiloh Wind Partners LLC, and to certify the Final Environmental Impact Report, as amended, adopt the Statement of Overriding Considerations and to approve the Use Permit and Mitigation Monitoring & Reporting Program to construct a 176 megawatt (MW) wind power project with up to 88 wind turbines on about 6,100 acres of land in the Montezuma Hills area. (Project Planner: Ken Solomon)

Commissioner Mahoney abstained from this item due to a conflict of interest.

Ken Solomon explained that this project was last continued from the meeting of December 6, 2007. This has been the fifth continuance from the original FEIR hearing date of March 15, 2007. Each of the previous continuances has been requested by the applicant, enXco, to allow additional time to resolve the air traffic control (ATC) radar issues at Travis AFB. The current hearing date is due to the cancellation of the last meeting of February 7, 2008.

Mr. Solomon stated that since the last meeting at which Shiloh II was discussed, enXco and its radar experts and Air Force representatives have been working on a solution to the radar issues. The Air Force agencies that have been engaged in this process include Travis AFB (TAFB), Air Force Flight Standards Agency (AFFSA), and Air Mobility Command (AMC), the latter of which is the lead agency. All radar solution efforts to date are exclusive to Shiloh II only. Also, the new ASR-11 radar system is currently under construction at the airbase, as planned.

Mr. Solomon stated that according to enXco, its radar experts have concluded that the Shiloh II project would not appreciably degrade the performance of TAFB's current and future radar systems. Nevertheless, enXco has offered to financially assist the Air Force in enhancing the radar detection capabilities at the airbase. The offer by enXco is an unconditional gift of up to one million dollars to assist the Air Force in implementing technical enhancements to improve radar detection over the wind resource area.

Mr. Solomon stated that the applicant is asking for a continuance of this meeting to March 20, 2008 to allow additional time to work out these issues.

Annie Mudge, Attorney for the applicant, spoke before the commission. She stated that the applicant has been actively working with all the agencies involved to come to a resolution on this issue, and they believe they are close to a resolution. Ms. Mudge stated that it is their understanding that the AFFSA has made a positive recommendation to AMC to let the project move forward. She said this is being reviewed and coordinated at AMC. She noted that the signals they are receiving from the air force are very positive, and there has been a determination that there is a reasonable expectation that this project will not have any appreciable degradation of the bases' radar capabilities. Ms. Mudge stated that the applicant has made an offer to help the air force with a pre-existing problem and have offered technical assistance and ideas for enhancing their radar capabilities in a form of a monetary gift. She noted that the gift is unsolicited on the part of TAFB and if it were to be accepted it would be used at their discretion.

Commissioner Barnes referred to a previous project that the commission approved for a weather radar on top of Mt. Vaca. He stated that he was aware that the radar depicting the weather in the Collinsville area shows moderate rain and that depiction is due to the windmills. He commented that not only Travis is having issues, but the weather radar is also having problems.

Ms. Mudge stated that she was not aware of this problem and would look into the matter.

With regard to the offer of a gift, Commissioner McAndrew wanted to know if it is an accepted practice to make this kind of an offer. Ms. Mudge stated that in her experience it is not. She stated that it is TAFB's preference that it be handled this way.

Cornel Tuck, Travis AFB, stated that he believes that an AMC decision on a determination based on a recommendation from the AAFSA is very close. He indicated that they support the applicant's request for a continuance. In response to the gift, he stated that TAFB has never in any way asked for a gift of any amount of money, but there is an avenue in terms of statutory requirements that say if someone would like to give the air force a gift, that it would need to be handled through a certain process.

Cornel Tuck stated that at the point AMC directs them on which way to proceed, they will

immediately have a letter ready for the commission with respect to Travis' aviation safety and enXco's bid to put up additional radars in the wind resource area.

Commissioner McAndrew asked Cornel Tuck that if this gift is accepted by the air force, does he believe it will assist this project in helping it come to terms. Cornel Tuck stated that with respect to the current ASR-8 radar, they believe they have done all they can with that system. He commented that they are going to re-install the old system because the way it worked before actually worked better than what is in place now. He noted that there may be some benefits gained with respect to the ASR-11 that are being looked at in terms of how they optimize that radar for the specific problem occurring at the base. He indicated that this is the piece they are currently looking into, and he did not know if there is any amount of money that can help this effort along, but what it might do is give them an opportunity to look at the optimization of the ASR-11.

Chairperson Barton opened the public hearing.

George Guynn, Jr., 1109 Pheasant Drive, Suisun, stated that he hoped the commission does not approve the project until the radar issue is resolved. He stated that if the air force receives one million dollars for resolving the radar problem and it is still not resolved, he was concerned that the tax payers would be on the hook for the additional cost.

June Guidotti, 3703 Scally Road, Suisun, requested that the commission deny this project until the issue is settled and it is proven that the wind turbines are not in conflict.

Since there were no further speakers, Chairperson Barton closed the public hearing.

A motion was made by Commissioner Moore and seconded by Commissioner Barnes to continue this item to the regular meeting of March 20, 2008, unless additional time is needed to resolve the issues at hand. The motion passed unanimously.

**5. ANNOUNCEMENTS and REPORTS**

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