

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

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## **Meeting of October 4, 2007**

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; Ken Solomon, Contract Planner; Jim Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

**The Minutes** of the regular meeting of September 20, 2007 were approved as proposed.

1. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-05-25 and Final Environmental Impact Report 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. **Staff Recommendation:** Continue to a date certain.

Ken Solomon briefly reviewed staff's written report. He noted that this project was continued from the planning commission meeting of April 19<sup>th</sup> by request of the applicant to allow an opportunity to resolve the radar issues raised by Travis Air Force Base in their letter dated March 8, 2007. In response to the efforts by the applicant to coordinate with Travis to resolve the radar issues over the past 6 months, a letter was presented by Travis dated September 11, 2007. The air base is not convinced that a resolution of the radar issue is possible at this time, and they are recommending that no new wind turbines be allowed in the wind resource area until their new radar system is installed and operational by October 31, 2008, and that the new system can be tested under the influence of the existing wind turbines to determine the performance of the new radar system. In response, the applicant has requested a two month continuance to allow further dialogue with the air force. Mr. Solomon noted that a letter from the applicant to the USAF Air Mobility Command at Scott Air Force Base dated September 25, 2007 was distributed to the commission for their review.

Commissioner Mahoney announced that he would be removing himself from this item due to a conflict of interest.

Chairperson McAndrew wanted to know if a date has been set for a meeting between the applicant and representatives of Travis AFB.

The applicant's representative, Greg Blue, indicated that they have requested a meeting with Travis and anticipate one in the near future, but a date has not yet been set. Mr. Blue stated that the main purpose of their request for the continuation is that their radar experts have developed an interim solution that they believe will address Travis' concern, as well as allow enXco to move forward. He said it is their goal to develop a joint solution with Travis that protects the base's mission and ensures flight safety, but also allows continued development of wind projects in California and particularly in Solano County. He stated that they hope the result of their meetings will allow them to come back before the commission on December 6<sup>th</sup> to report that they have an agreement that would allow their project to move forward with their interim solution, and at the same time the new ASR-11 radar is being installed.

Commissioner Barton referred to Col. Arquette's letter dated September 11, 2007 and asked the applicant if there has been some kind of indication that would make enXco think there would be further discussion regarding this matter. Mr. Blue stated that they are addressing this issue on multiple levels. They believe that Col. Arquette's letter did not examine all of their proposals. EnXco believes that they have several other options and do not feel that Travis has fully addressed all of those options.

Commissioner Barton stated that in her experience, Col. Arquette is the last word at Travis AFB. She noted that Travis is the largest employer in Solano County. She said that if this does not work for Travis, it does not work for Solano County. Ms. Barton stated that she would find it difficult to support this project.

Mr. Blue stated that they would ask for the two month extension and at that time partake in further discussion. He noted that there is a Department of Defense (DOD) policy on proposed wind farm locations near air force bases. He said that the policy calls for the Department of Defense to work on a case-by-case basis to come to a mutually satisfactory solution. He said that enXco believes this has not yet had time to happen.

Chairperson McAndrew referred to the Montezuma Wind project which is second on the agenda. She indicated that their request is to delay their project until a solution is made. She asked if this is something enXco would entertain as a possibility. Mr. Blue responded that they would probably entertain the idea, but they would like to exhaust all of their options first. He said they believe their proposal could still be a 2008 project. He said if they can reach an agreement with Travis and can come back before the commission on December 6<sup>th</sup> with some arrangement that allows them to move forward, they believe they can still build their project in 2008. Mr. Blue noted that they have a signed power purchase agreement with PG&E which calls for delivery beginning December 2008. At the end of 2008 the federal production tax credits expire so they need to be up an operational in order to qualify for those credits.

Chairperson McAndrew opened the public hearing.

Mr. Raymond Demos, 179 Ronda Street, Fairfield, stated that he is a retired air force navigator and knows the problems radar can cause when it is not working properly. He stated that in his opinion the problem should be solved first and he agreed with the indefinite postponement of both wind projects.

John Foster, 3003 Gulf Drive, Fairfield, read an excerpt from a 2006 report to the Congressional Defense Committee on the Effect of Windmill Farms on Military Readiness. He pointed out that the report states that these turbines can affect military readiness. He stated that the county needs to do what is best for the men and women at Travis AFB, as well as the flying public. Mr. Foster stated that this is the type of decision he would support and encouraged the commission to give Travis' comments the full importance that they deserve.

Dick Timmons, project manager, stated that as they have been working with Travis AFB over the past 6 months, they have been looking at a technical solution that uses an existing ASR-11 installation in the City of Stockton. He noted that it is 29 miles from the Stockton Airport and the air force safety standard group went forward and made a recommendation that the radar could probably be used as part of the solution. Mr. Timmons stated that this is one of the items they would like to review in further detail to see how it could be used and applied over the existing wind resource area in the Montezuma hills. He stated that there is a potential technical solution that could be used on the interim that would give better coverage out in the wind resource area, but there needs to be a meeting to talk about it.

Commissioner McAndrew commented that even when the new radar system is operational, there is still no guarantee that it will be effective to block out these wind turbine systems. Mr. Timmons stated that they know the new radar that is being installed will improve what is currently there. It has greater abilities and has a lot built into it to work with the wind turbine application. He said there are technicians who are working on the installation to support it so that when the installation is complete it will operate to the maximum. He stated that they believe this to be a viable solution.

Col. Giovanni Tuck, Vice Wing Commander, spoke on behalf of Travis AFB. He stated that it is his belief that they have been in compliance with the policies set forth by the Department of Defense and they have investigated and considered each radar mitigation option presented to the best of their ability. Mr. Tuck stated that earlier this year Travis AFB, with the help of radar experts, determined conclusively that existing wind turbulence in the wind resource area cause a loss of radar coverage for aircraft southeast of the base. He stated that after this realization, they submitted comments on the Shiloh II Final Environmental Impact Report to raise their safety concerns. In an effort to find a way forward, multiple technical solutions have been proposed and investigated by experts for enXco and the united air force. Mr. Tuck stated that unfortunately the conclusion is that there currently is no solution that has been implemented and proven to work in a situation similar to the one in Solano County.

Col. Tuck stated that according to DOD policy, they have both raised concern and worked with the appropriate regulatory authority in order to mitigate the adverse effects of this project. He said their position remains that they would prefer to wait until the ASR-11 is operational and determine at that time whether or not the effects of turbines can be mitigated. Until there is a solution in place that alleviates the overriding safety concerns associated with loss of radar coverage as a result of the wind turbines, they will continue to work actively with radar experts, the Federal Aviation Administration (FAA) and wind energy developers to find one. Mr. Tuck stated that allowance for a two month continuance to work through additional proposals that enXco may put forth may not in the end change their recommendation, but they are certainly not opposed to it. He commented that they strongly support renewable energy and understand the pressing need to use alternative fuel sources.

Commissioner Moore inquired if the air force believes there might be a place where ASR-11 radar is operational where testing might be developed in the next three or four months to simulate the interferences that are created in the wind farm to determine whether the radar is capable of dealing with that type of operation. He wanted to know if the air force would be willing to participate in that type of testing and if it would be of any value.

Col. Tuck stated that the Air Combat Command (ACC) has gotten involved with a State of Texas legislator to put forth a plan at Dias Air Force Base because that base has an ASR-11 radar already installed. He explained that a 170 million dollar wind farm project that was up and running was examined and the wind farm actually had to be moved because of rival corridors and the like. He said that the one significant finding found with the ASR-11 is that it had not mitigated radar blanking or the dropping off of targets. He indicated that the commander of ACC, along with a congressman, made an amendment that says they want the FAA to conduct a study to examine if it is feasible to continue on with the DOD policy of wanting to support alternative energy, and at the same time make sure that all safety aspects have been looked at with regard to aviation and how both can survive in the same environment. Mr. Tuck stated that unfortunately this particular study is going to take a bit more time than what enXco is proposing over the next two months.

Col. Tuck stated that it is their position that once the ASR-11 is installed and operational they will have the data needed to make sure that radar blanking and safety has been mitigated by the turbines that are being proposed.

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

Commissioner Moore stated that in his opinion this is the most serious, most critical land use issue that has come before the commission. He stated that these two companies are not the only ones that will be impacted by a negative report once the ASR-11 is installed. He commented that there has not been any discussion about the citizens of Solano County, property owners, and the people that are involved with these companies. Mr. Moore stated that he can not support an indefinite continuance of this item. He did not believe it is appropriate for any party involved in this discussion to sit back and wait when there is an opportunity available for investigation, studies and solutions.

Commissioner Moore stated that he agrees with Commissioner Barton that if Travis AFB's mission is impacted by the wind farms then they probably can not exist. He said there is not much that this community would support that would impact the operation at the air base, and not only is the air force impacted, but the State of California and the homes and people that are supported by the generation of that power. He said if there is any chance, any area to be investigated, any opportunity on either side of the issue that will help maintain the ability to support the wind farm operations and the air force at the same time, then we have to proceed to do that.

A motion was made by Commissioner Moore and seconded by Commissioner Barnes to continue this item to the regular meeting of December 6, 2007. The motion passed 3-1 with Commissioner Barton dissenting.

2. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-06-06 and Final Environmental Impact Report for the **Montezuma Wind Project**, as sponsored by FPL Energy Montezuma Wind LLC, and to certify the Final Environmental Impact Report, adopt the Statement of Overriding Considerations and to approve the Use Permit and Mitigation Monitoring & Reporting

Program to construct a 37-megawatt (MW) wind power project with 16 to 23 wind turbines on about 1,458 acres of land in the Montezuma Hills area. **Staff Recommendation:** Postpone indefinitely.

Ken Solomon briefly reviewed the project description. He noted that this is a slightly smaller project than the Shiloh II project and is adjacent to the Shiloh II property. He noted that this proposal is subject to the same discussions that enXco will have with the air base and relying on the outcome. Mr. Solomon indicated that the applicant has requested and indefinite postponement of this item.

Chairperson McAndrew 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 to postpone indefinitely consideration of this project and direct staff to re-calendar the matter when it is ready for the planning commission's consideration. The motion passed unanimously.

3. **ANNOUNCEMENTS and REPORTS**

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