

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

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## **Meeting of October 21, 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, Boschee, Rhoads-Poston, Karah and Chairman Mahoney

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

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Matt Walsh, Principal Planner; Nedzlene Ferrario, Senior Planner; Lee Axelrad, Deputy County Counsel; Misty Kaltreider, Geologist; and Kristine Letterman, Planning Commission Clerk

Items from the floor:

June Guidotti, 3703 Scally Road, Suisun. The following is Ms. Guidotti's verbatim testimony:

"My concern is the fire problem I'm having at my house. Eleven times the electrician or PG&E has been at my house. Because of actions this board has taken and the Board of Supervisors have taken and people that have conflict of interest that are on the panels...last time I said you almost electrocuted my granddaughter. It's gotten so ridiculous that we called the Public Utilities Commission down in Los Angeles and they frauded. They gave me a claim number, they went through PG&E added in all the computers, and low and behold they got caught. So they still never got the power turned down. Still you are in the house, you are nauseated, you are dizzy, it has the from lights, unbelievable, you probably took 30 years off my granddaughter, she's 22 years old now. You probably took 22 years from her life because of actions that this county has taken. PG&E still hasn't corrected the problem. There was still another low voltage on Sunday. So going back to the PUC in San Francisco and Los Angeles they finally wrote a letter of apology to my family. Have they done anything? No. I have been busy this week I haven't even checked back in. It's pretty sad that when a person in the United States can stand up for their rights and get up and salute the flag and be treated the way my family, after 5 generations has been treated by PG&E, by the mayor and actions in Fairfield and in Suisun because the empire builders want to continue to do what they want to do not in the safety of the people. So two weeks ago we had a 38 year person that had worked for PG&E, came out, had an attitude, there is nothing wrong with your power, it's not out of compliance. I wasn't there.....my daughter said well they got you bought off too. The man actually turned around and it was smoldering in the box. Out of compliance again. So he tried to say that oh your box is old, it is your wiring, like Jim Laughlin tried to say. Call the electrician, he actually knew the electrician, he's very well known in this county, he's higher than the 38 year veteran with PG&E. So he told him he said the same box she has every house across from the Lawler houses have the same panel box. Came out, didn't even charge me this time because the warranty wasn't even up in 2 ½ weeks from when he put it in there in another 2 weeks before. So the continued pumping of water to Creed Road to Meridian Road to Calpines Power Plant to the prison on Goose Haven because they need electricity, or the continuing of pumping water on Branscome Road to Potrero

Hills because they have to water their garbage because there is no water up there. So my concern is my family is giving their life just to protect private property, and I hope each and every one of you are proud of the decision you are making.”

**The Minutes** of the regular meeting of October 7, 2010 were approved with an addition to the first paragraph on page 4 to include the names of Derrick Lum’s relatives. Their names are: Darleen and Nellie Lum.

1. **PUBLIC HEARING** to consider Minor Revision No. 1 to Use Permit No. U-91-35 and Marsh Development Permit No. MD-91-04 of Montezuma Wetland, LLC to amend Condition No. 14 to allow up to 20% non-cover sediment in Phase 1 of the project and, to incorporate the proposed mitigation measures for the fully protected endangered species, California Least Tern. The property is located at 1285B Collinsville Road 11 miles southeast of the City of Suisun on properties zoned “AL-160” Limited Agriculture, “I-WD” Water Dependent Industrial and “MP” Marsh Preservation, APN’s: 0090-070-360, 370, 0090-110-210, 260, 270, 280, 290, 320, 330, 040; 0090-120-010, 270, 290. 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: Nedzlene Ferrario) **Staff Recommendation:** Approval

Nedzlene Ferrario gave a brief presentation of staff’s written report which included background information, a brief project overview, project description, and analysis.

Commissioner Barnes asked about the percentage increase for the non-cover sediment. He stated that if the site is able to stay within the conformity of the 10% he wanted to know the purpose of expanding it to 20%. Ms. Ferrario stated that it would allow the operator to use additional non-cover material to complete the rest of their project. She said the restriction was initially placed as a measure to allow monitoring and detecting of the chemicals of concern. She stated that essentially it was an experiment. This is the first and only project that has been approved to receive non-cover sediment. Ms. Ferrario stated that back in 2000, experts recommended a cap on the non-cover sediment, however, since then there has been data to support that the use of non-cover sediment is well within the criteria and does not have a significant effect.

Commissioner Barnes wanted to know how staff will be monitoring this. Ms. Ferrario stated that the applicant is required to submit sediment and water quality reports annually not only to the county, but also the state water board and the Environmental Protection Agency (EPA). She noted that there is a whole team of federal and state agencies that are monitoring this project.

Commissioner Boschee noted that when this project was originally approved there were a number of parties who were in opposition such as the Save the San Francisco Bay Bay Keepers and Friends of the Suisun Marsh. He wanted to know if those persons have been notified of this proposed change.

Ms. Ferrario stated that the county sent public notice to the people within the required public noticing range, and also to the state agencies involved. She did not believe that those two groups were specifically notified. Mike Yankovich noted that the county did not specifically send notice to those groups, however, they have been keeping tabs with regard to this operation, and to the project itself, and they have not given staff any indication that they are for or against this proposal.

Chairman Mahoney inquired about the California Least Tern. Rachel Bonnefil, project manager and ecologist, stated that the Terns were first observed in 2005. There were a few of them that showed up on sand and shell mounds. She said that the birds did not nest in that year, but they came back the following year and have nested annually ever since. She noted that there are typically about 20 to 30 pairs that nest at the site.

Since there were no further questions, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, stated that her primary concern is that any changes to the existing Local Protection Plan (LPP) continues to improve and protect the Suisun natural resources and mitigation for migrating wildlife species and their habitats. She said land use changes on the new policy address the flood control on the limited surface water runoff in the marsh, and she believes that more study is needed because it will have more selenium in the marsh channels. Ms. Guidotti said the biological resource and scenic resource protection also needs more study.

George Guynn, Jr., 1109 Pheasant Drive, Suisun, questioned how the testing of the sediment is done and did not believe the results would be the same every time, and if all possible chemicals are being considered. He commented that something new could come along that their scientists are not aware of and it could pose a problem in the future. Mr. Guynn spoke with regard to Ms. Guidotti and commented that it seems that when a person who has family that has lived in this county for 5 generations would receive better considerations. Mr. Guynn commented that the government is supposed to the work for the public not the other way around.

Mr. Yankovich stated that the majority of Ms. Guidotti's comments are related to the LPP which is currently being updated. He said staff will be working in conjunction with the Bay Conservation and Development Commission (BCDC) and can certainly include some of Ms. Guidotti's comments in the process.

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

Commissioner Barnes stated that he cannot support this proposed revision. He said that if the site can be maintained and the area kept clean within the 10% he could not see why it should be impacted with more sediment.

Commissioner Karah referred to page 3 of staff's written report and asked for clarification with regard to the Department of Fish and Wildlife. Ms. Ferrario explained that at that time Fish and Wildlife wanted more site specific data before allowing the 20%. Since then the data has been collected and given to that department and as of today they support the increase.

Commissioner Karah stated that she is not comfortable with the proposed increase.

A motion was made by Commissioner Barnes and seconded by Commissioner Karah to deny adoption of the Mitigated Negative Declaration and Supplemental Mitigation Monitoring and Reporting Plan, and deny approval of Minor Revision No. 1 to Use Permit No. U-91-35 and Marsh Development Permit No. MD-91-04. The motion failed 2-3 with Commissioners Boschee, Rhoads-Poston and Chairman Mahoney dissenting.

Commissioner Boschee recognized that other commissioners are not in favor of this increase, but

they have not indicated what it is they are concerned about. He commented that none of the people that have opposed this project in the past are present at the hearing to tell the commission why they have an issue with the project. He said if those people were here he would certainly be willing to listen, but since he has not heard any opposition he felt that the project should move forward.

A motion was made by Commissioner Boschee and seconded by Commissioner Rhoads-Poston to adopt the Mitigated Negative Declaration and Supplemental Mitigation Monitoring and Reporting Plan. The motion passed 3-2 with Commissioners Barnes and Karah dissenting. (Resolution No. 4540)

A motion was made by Boschee and seconded by Commissioner Rhoads-Poston to approve Minor Revision No. 1 to Use Permit No. U-91-35 and Marsh Development Permit No. MD-91-04, subject to the recommended findings and conditions of approval. The motion passed 3-2 with Commissioners Barnes and Karah dissenting. (Resolution No. 4540)

Chairman Mahoney stated as he has numerous times in the past, that he is hoping staff is keeping a tally of how many acres of land are being converted from agricultural ground to wetlands or to whatever non-productive agricultural ground it is being converted to. He stated that he did not agree with this project before because of this issue and amount of acreage, but since it has already been done and is already a wetland he agreed to an increase the amount. He stated that the agricultural dollars being lost to this county is getting to be astronomical and he did not believe people are aware of this. Mr. Mahoney referred to Prospect Island, Liberty Island, and the Yolo by-pass, and the plans to convert more of that to wetlands, this project, the Highway 37 agricultural ground, and the Delta Vision concept. He stated that Solano County is going to suffer tremendously a loss of agriculture and he hoped that the county is keeping a tally and keeping that number in the public vision because he did not see it currently being brought up.

2. **STUDY SESSION** for the Sea Level Rise Strategic Program. (Project Planner: Matt Walsh)

Commissioner Boschee stated that since he lives in the Sandy Beach area and his home is in a flood plain he felt it appropriate to step down and not participate as a member of the commission for this item.

Mr. Walsh briefly reviewed staff's written report. He stated that this is an implementation program that came about from the 2008 General Plan update and was required to be done by the end of this year along with a Climate Action Plan (CAP) which is also being prepared concurrently. Mr. Walsh stated that the document is incomplete and is just an Administrative Draft which includes Chapters 1 through 3. Chapter 4 has not yet begun. He explained that the idea of the study session is to solicit input as far as what kind of direction the county should go with Chapter 4 which will include strategies and policies and adaptation measures. Mr. Walsh briefly reviewed the background of the program, the effects of sea level rise on Solano County, and a discussion of possible adaptation options.

Commissioner Barnes made a comment that Iceland has had its warmest summer. He said that many people believe that this is a cycle we are going through. He said there are people who are building their homes with the garages downstairs and the living areas on the upper floors, such as in the area of the Missouri river. He stated that he could see where encouraging people to build up so the living quarters are above the water levels is a good idea.

Chairman Mahoney mentioned that he remembered there was a plan at one time to put in a series of

locks down by the City of Crocket which would create fresh water up into the Suisun Bay. He wanted to know if this idea has been talked about because as far as control of the tides and the rising ocean levels this would take care of that and the salt water intrusion issue would no longer be an issue.

Mr. Walsh stated that he was not aware of any such conservation, but that the concept is a sound one. Mr. Yankovich stated that BCDC has actually been given somewhat of a charge to help assist with the sea level rise and CAP, but that is not something that staff has heard with regard to what they have been looking at. He said that they are due to come out with some information early next year. Mr. Yankovich noted that for the most part in this county it is the agricultural land that is going to be affected. He said that staff is not looking for an over arching type of policy that is going to deal with sea level rise, it is going to be incremental. He said that right now with the county's 2008 general plan there is not a lot of development in those areas that are due to be inundated. He commented that Collinsville unfortunately is one of those areas. He said that there are a number of homes down there that would be overrun by water, and they are counted as part of those counts of residents that would be affected in the report itself. He stated that in those areas there may be building types of strategies that could be used such as pier construction to raise the home up to a certain level to avoid the flood zone.

Chairman Mahoney stated that as far as development goes he did not believe that there will be big development moving into the Collinsville area anytime soon, but the people who live in that area have been flooded on occasion. He inquired if the cities are involved in this process and he believed that they need to be. He said the city needs to be involved if this is going to look at urban development being flooded. He commented again about the idea of having locks placed between the cities of Crocket and Vallejo.

Commissioner Barnes commented that there were some form of locks in the Suisun bay 30 years ago and when the gates were closed Sunset Avenue would get flooded until the Streams Project was built and then the flooding stopped.

### 3. **ANNOUNCEMENTS and REPORTS**

Mr. Yankovich informed the commission that scheduled on the next meeting agenda is the Shiloh III wind project. He noted that scheduled for the following meeting would be a horse training facility.

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