

SAN BENITO COUNTY PLANNING COMMISSION

July 21, 2010

Minutes

COMMISSIONERS: Richard Bettencourt; Gordon Machado; and Robert Scattini

LATE: Dan DeVries – arrived at 6:02 PM

ABSENT: Jeff Culler

COUNTY STAFF: Interim Director of Planning (IDoP) Cathy Woodbury; Assistant Director of Planning (ADoP) Byron Turner; Associate Planner (AP) Michael Krausie; Assistant County Counsel (ACC) Barbara Thompson; Public Works Engineer Art Bliss; and Clerk Trish Maderis.

OTHER: Susan Lee and Marisa Mitchell, Aspen Environmental Group

Chair Scattini called the meeting to order at 6:00 PM as he led the pledge of allegiance to the flag. Clerk Maderis noted Commissioner Culler and Commissioner DeVries absent.

Commissioner DeVries – arrived at 6:02 PM

DIRECTOR'S REPORT

IDoP Woodbury reminded the Commission of two continued workshops for the August 4th regular meeting for the proposed Transfer of Development Credits Ordinance and the proposed Affordable Housing Ordinance.

IDoP Woodbury also advised a tentative date of September 8th has been set for a joint City and County Planning Commission special meeting and details would be reported later.

PUBLIC COMMENT

Chair Scattini opened the Public Comment period. Grant Brians, 6580 Fairview Rd, Hollister addressed the Commission stating that he again was requesting investigation into what he believed was illegal lighting in rural areas and violations of the Dark Sky Ordinance.

With no other speakers, Chair Scattini closed the Public Comment period.

CONSENT AGENDA

1. Acknowledge Public Meeting Notice
2. Acknowledge Certificate of Posting

Commissioner Machado moved to approve Consent Agenda Items No. 1 and 2; Commissioner Bettencourt offered a second to the motion which passed 4-0-1, Commissioner Culler was absent.

PUBLIC MEETING:

3. The County of San Benito has prepared a Draft Environmental Impact Report (DEIR) as Lead Agency under the California Environmental Quality Act (CEQA) for the Panoche Valley Solar Farm project. The purpose of the EIR is to identify the significant effects on the environment of the proposed project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided. The Draft EIR is available for public review online at the project website and at the County's website: www.panochesolar.info / www.san-benito.ca.us. The Draft EIR is being circulated for review and comment to the public, agencies, individuals, and interest groups who have requested to be notified. The public comment period for the Draft EIR ends on Monday, August 16, 2010.

The County Planning Commission will receive oral and written comments on the Draft EIR. Responses to the comments will be made in the Final EIR. No decision will be made about the project at this meeting.

The following outline will be followed:

- Introduction and purpose of the Meeting – Interim Director Cathy Woodbury
- Project Overview – Associate Planner Michael Krausie
- Environmental Analysis – Susan Lee, Aspen Environmental Group
- Next Steps - Interim Director Cathy Woodbury
- Public Comment

ACC Thompson opened the public meeting advising the purpose was to receive both oral and written comments on the Draft Environmental Impact Report (DEIR) for the Solargen/Panoche Valley Solar Farm project. ACC Thompson added that the Planning Commission would not provide comments or opinions on the public's comments and that no decision would be made.

IDoP Woodbury introduced the Agenda Summary and explained the role of each staff speaker. IDoP also described the project milestones and schedule aided by PowerPoint slides. *(copy included in permanent record).*

AP Krausie provided a description and location of the proposed project aided by PowerPoint slides. *(copy included in permanent record).*

Susan Lee of Aspen Environmental Group addressed the Commission and public providing information and PowerPoint slides of the impacts identified and contained in the DEIR. Ms. Lee also advised that Aspen Environmental was a consultant to San Benito County and contracted to prepare the DEIR and final EIR.

Ms. Lee corrected information on The Overview of Potential Environmental Impacts Identified, Class IV to 2. Ms. Lee continued with the overview of the DEIR explaining each Class, Alternatives, CEQA requirements and concluded by encouraging the submittal of written comments before the comment period deadline of August 16, 2010.

Chair Scattini then opened the public comment period: Chair Scattini reminded the audience of the 3 minute time limit noting the large crowd and allowing everyone the opportunity to speak. Clerk Maderis noted 26 speakers had submitted speaker cards at that time.

(List of speakers in order of addressing the Commission along with their comments)

1. Jeannette Langstaff, 1631 Tiburon Drive, Hollister – Project too large even with alternatives, located in wrong place, should be roof-top solar, energy would not benefit San Benito County, manufacturing being done in China; project would destroy agriculture in Panoche Valley and disturb the night skies.
2. Bob Power, 4255 Norton Ave., Oakland – Member of Santa Clara Valley Audubon Society, supports solar but a thorough analysis is needed. Solargen has no experience in solar industry. No project is better alternative.
3. David Cook, 664 S 14th St., San Jose – member of Carpenter’s Union, San Jose – believes minimal jobs would be created so project is not warranted.
4. John Trochet, 633 46th Street, Sacramento – UC Davis Biologist and bird watcher – project in wrong place, riches in Panoche too great.
5. Robyn Purchia, 520 Capitol Mall, Ste 350, Sacramento – on behalf of California Unions for Renewable Energy – advised firm would be commenting in writing.
6. Jean Myers, 4265 Redwood Retreat Rd, Gilroy – Photographer and birth watcher – against project in this location.
7. Martha Schauss, P O Box 1991, Gilroy – Retired F&G wildlife biologist – worst project ever reviewed, worst location, no assurance of new jobs, solar should be on rooftops and project will also impact roads. Requested extension of comment period.
8. Deborah Jamison, 21346 Rumford Drive – suggested Bright Source as an alternative to do project – other companies can do better projects than Solargen who cannot attract US and American investors.

9. Clay Kempf, 275 Hidden Valley Rd, Royal Oaks – lack of mitigation for the project, Consultant relying on community, stimulus dollars for American buying, Solargen not seeking American made
10. Henry Coletto, P O box 1991, Gilroy – Retired F&G – need to protect habitat, Solargen only looking at the dollars; will not create any local jobs.
11. Rose Zola, 50 Old Courthouse Sq, Ste 401 – Has requested in writing an extension of the comment period; application is not complete; inadequate project description; land use impacts have not been analyzed; aesthetics and noise issues. Will provide comments in writing
12. Rani Douglas, 34220 Panoche Rd, Paicines – rancher in Panoche Valley, first hand experience and wants to preserve Valley as it and not be sold out. DEIR was rushed, too much at stake, all speculation. Requested extension of DEIR comment period.
13. Cynthia A. Denny, 950 Redwood Shores Pkwy, F202, Redwood City – Environmental paralegal, supports solar and alternative energy, need to follow the rules, Panoche Valley is a place where California used to look like before development.
14. Nenette Corotto, 291 Blossom Lane, Hollister – Neighboring ranch, location should be the Westland alternative – this isn't a positive project
15. Ken King, 633 Terrace Ave., Half Moon Bay – Class I problems equals taking, the mitigation has conflicts.
16. Robert Brians, 747 Shore Rd, Hollister – Need to protect water, promote ag, should be located elsewhere. Southern California Edison is using solar on rooftops.
17. Roy Lompa, 4998 Airline Hwy, Hollister – against project, should be paid for up front, project could be scam
18. Mike Ferreira, 419 St. Joseph Ave, Half Moon Bay – Conservation Chair of Sierra Club, Loma Prieta chapter and has previously served on Planning Commissions. Concerned with speed the DEIR was prepared, can't be thorough, a lot of questions unanswered, requested an extension of comment period.

Chair Scattini called for a brief break at 7:04 PM.

The public meeting was reconvened at 7:12 PM and called back to order by Chair Scattini, Commissioners Bettencourt, DeVries and Machado were present. Commissioner Culler was absent. All staff was present.

19. Danielle Kissinger, 4601 Prescott Road – requested to Save Panoche Valley. Stated the lighting would be disturbed, money should be kept in San Benito County, this project not beneficial to County, DEIR was rushed, no jobs for County; disposal of panels should be reviewed, could be loophole.
20. Charles McCullough, 26565 Panoche Rd, Paicines – resided in Panoche Valley since 1943, not prime ag land, there is no farming being done, grass season shorter, extreme cold and extreme hot. Soil is not prime, gravel, no production. In favor of project.
21. Joshua Basofin, Defenders of Wildlife – will be submitting written comments, supports renewable energy, has visited site, has high quality habitat, Panoche Valley a recovery area for endangered species and genetically distinct species, Westland option is better. Complimented staff for an excellent job.
22. Linda Ruthruff, 3647 Turnwood Ct., San Jose – Bird watcher and environmentalist. Against project, in wrong location, has high habitat value. Solar should be on roof tops.
23. Jordan Wellwood, 765 University Ave – representing Audubon Society of California, in favor of solar but against this project, wrong area due to habitat – requested the project be denied.
24. Debra Shearwater, P O Box 190, Hollister – 15 year resident of County, urged protection of Panoche Valley, DEIR is inadequate, need to protect birds, wildlife and other species. Tourism would also be impacted. Requested denial of project.
25. Brandon Hill, 5258 Nantucket, Fresno – Fresno Co Audubon Society, requested comment period be extended for 45 days.
26. Al DeMartini, 1696 Eisenhower St, San Mateo – former County resident and against project, should be elsewhere.
27. Shani Kleinhaus, 2221 McClellan Rd, Cupertino – Santa Clara Audubon Society, DEIR is confusing, requested extension of comment period.
28. Pati Rouzer, 2242 Louis Rd, Palo Alto – Bird watcher and requested extension of comment period.
29. Stewart Wadsworth, 510 34th Ave, Santa Cruz – requested the project be fast tracked and accept the project as it would greatly benefit San Benito Co.
30. Kim Williams, 32615 Panoche Rd, Paicines – lives and farms in Panoche Valley. Solargen has been playing up the project with paying taxes and creating jobs, against project

31. Collette Cassidy, 33320 Panoche Rd, Paicines – lives in Panoche Valley, milks cows old fashion way, misplaced project
32. Grant Brians, 6580 Fairview Rd, Hollister – DEIR does not reference any climate or green house gas impacts; does not address agricultural worker housing; only statements for grazing of sheep and dust impacts.

With no other speakers, Chair Scattini closed the public comment and took comments from the Commission.

Commissioner DeVries asked for following:

1. How specifically would solar panels impact birds?
2. What are the adverse impacts to wildlife?
3. How would the small family farm be specifically impacted?

Commissioner Machado asked the following:

1. How would project be funded if federal money ceased?
2. What would happen to San Benito County?
3. If Williamson Act request was denied would project be over?

IDoP Woodbury advised the project could not move forward unless the Williamson Act contracts were cancelled.

4. When is Williamson Act Committee meeting?

IDoP Woodbury advised the Committee would be meeting sometime in August but a specific date has not been set.

5. When would final EIR be complete?

IDoP Woodbury advised sometime in the fall and the Final EIR would be submitted to the Board of Supervisors for certification and followed by consideration of cancellation of Williamson Act contracts. Should the contracts be cancelled, the project would move forward and the Planning Commission would be presented with the Conditional Use Permit application for consideration.

Commissioner Bettencourt asked the following:

1. Does the Planning Commission recommend the final EIR to the Board of Supervisors?

ACC Thompson advised that certification of the EIR is done by the Board of Supervisors as is cancellation of the Williamson Act contracts which must be complete before the Planning Commission considers the Conditional Use Permit application.

2. Does the public have the option to protest the Williamson Act Committee?

ACC Thompson advised the public has those rights.

3. Conditional Use Permit to Planning Commission

ACC Thompson advised the decision by the Planning Commission on the Conditional Use Permit was final unless it was appealed to the Board of Supervisors.

Chair Scattini asked the following:

1. Copy of letter requesting extension of DEIR comment period
2. Was the DEIR rushed?

IDoP Woodbury advised the Consultant Aspen Environmental was selected based on experience and the ability to prepare the document in a timely manner. IDoP added the document was thorough.

3. Will the comment period be extended?

IDoP Woodbury advised it would be taken into consideration and a response may be made by the end of the week. If the comment period is extended it would be posted on the County's website and noticed in the local newspapers.

Commissioner Machado questioned the Commission's position as to the certification of the EIR going directly to the Board. IDoP Woodbury advised that the Commission should provide input and comment on the draft in order to create an adequate final document.

With no further questions or comments from the Commission, IDoP Woodbury thanked everyone in attendance.

Chair Scattini thanked the public for their cooperation and orderly participation and called for adjournment.

ADJOURNMENT

With no further business, Commissioner DeVries moved for adjournment, Chair Scattini offered a second to the motion and the meeting was adjourned at 8:06 PM.

Minutes prepared by:
Trish Vieira-Maderis
Planning Commission Clerk