



Solano County
Airport Land Use Commission
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Steve Vancil
Chairman

SOLANO COUNTY AIRPORT LAND USE COMMISSION

MINUTES OF THE MEETING OF March 14, 2013

The meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Board Chambers (1st floor), 675 Texas Street, Fairfield, CA 94533.

MEMBERS PRESENT: Chairman Vancil, Commissioners Potter, Baldwin, Baumler, DuClair and Randall

MEMBERS ABSENT: Commissioners Stockard, Seiden and Cavanagh

OTHERS PRESENT: Jim Leland, Resource Management; Lee Axelrad, County Counsel; Diane Gilliland, Resource Management

Items No.

1, 2 & 3: Chairman Vancil called the meeting to order at 7:10 p.m. Roll call was taken and a quorum was present.

Item No. 4. Approval of the Agenda

Commissioner Potter suggested that the phrase "Old Business" also be added to the agenda format.

The agenda was approved by a unanimous vote of the Commission.

Item No. 5. Approval of the Minutes of the November 8, 2012 meeting

The minutes of November 8, 2012 were approved.

Item No. 6. Committee Reports – Update of the ad hoc committee for the Kaiser Helistop

Chairman Vancil noted that this update was to determine if the FAA had considered the Sokoy 2 departure in their review. He thanked Commissioners DuClair and Randall for serving on the subcommittee. Chairman Vancil noted that he was able to contact Mr. Kumar at the FAA who stated that he did look at the Sokoy 2 departure as well as the arrivals. He also spoke to Mr. Daley, Nut Tree Airport Manager, who reported that Caltrans had also looked at the Sokoy 2 departure as well as other departures and arrivals at the airport. Both Caltrans and the FAA found the closest potential conflict to be within the VOR approach coming in and that is what drove their requirements to have the helicopters in radio contact with Travis Approach when they are going in and out of the Kaiser helipad.

Commissioner DuClair noted that there was a need to make Nut Tree airport pilots aware of the proximity of the helipad. He suggested that the Commission ask the FAA to consider marking the Kaiser heliport on the airport chart with a red dot showing helicopter pad. Commissioner Randall asked how often the charts are updated. Commissioner Potter stated that they are updated between six months to a year and thought that the Commission would not have to make a request for an update. The Commission was satisfied to let the change to the chart be made thru the FAA's regular update schedule.

Item No. 7. Public Comment

There was no public comment.

Item No. 8. Conduct a Public Hearing to consider the consistency of ALUC-13-01, the Basic American Food Site Policy Plan (hereafter, 'Basic American Project') with the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans: Applicant – City of Vacaville.

Mr. Leland gave a summary of the staff report. He stated that the City of Vacaville is considering a Policy Plan Amendment application for the Basic American Food Site (551 Davis St.). The amendment would expand the list of permitted uses by adding offices, medical offices, a fitness center, retail and research and development uses. County staff recommended that the Commission find the amendment consistent with the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans. The site lies entirely within compatibility Zone D of the Travis AFB Plan. The review criteria for Zone D of the Travis Plan are the review of objects over 200 feet in height and that there be no hazards to flight. The consistency review and analysis concluded that the policy plan amendment does not create any direct conflicts with the Travis Air Force Base Land Use Compatibility Plan or modify any of the mechanisms in place that assure compliance with the compatibility criteria in the Travis LUCP.

A small portion of the site lies within Compatibility Zone F of the Nut Tree Airport Plan. The applicable review criteria for Zone F are that most uses are acceptable. There is a prohibition against captive audience uses and large assembly uses, such as theaters and auditoriums. The consistency review and analysis has concluded that the policy plan amendment does not create any direct conflicts with the Nut Tree Airport LUCP or modify any of the mechanisms in place that assure compliance with the compatibility criteria in the LUCP. Mr. Leland concluded his summary by stating that the proposed Basic American Project meets the tests for consistency and that based on the analysis and discussions in the staff report, staff recommends that the Commission find the project consistent with the Nut Tree Airport and the Travis AFB LUCPs.

Chairman Vancil asked if the Commissioners had any questions. Hearing none he opened the public hearing. There was no comment from the City of Vacaville or the public. He asked again if the Commissioners had any questions. Commissioner DuClair asked for clarification on the types of businesses proposed for the project area. City of Vacaville planning staff stated that they were trying to make the area more marketable and that there was no specific proposal at this time. Commissioner DuClair did not see any height problem with the site. Chairman Vancil noted that the City was expanding allowed uses to make the property more attractive to investors. There being no further questions Chairman Vancil closed the public hearing and

asked if there were any questions from the Commission. There being no questions from the Commission the Chairman referred to the draft resolution for the Basic American Food site and asked if the Commissioners had a chance to review the document. Commissioner Potter made a motion to find the project consistent with the Travis AFB and the Nut Tree Airport LUCPs. He also asked why the resolution did not have a complete number. Chairman Vancil stated that it would be added by staff if the resolution was approved. Commissioner Baumler seconded the motion. The motion carried by a unanimous vote.

Item No. 9. Conduct a Public hearing to consider the consistency of ALUC-13-02, the Northeast Dixon Development and Design Guidelines and the Agricultural Services Zoning District (hereafter, 'Northeast Dixon Project') with the Nut Tree Airport, Rio Vista Airport and Travis Air Force Base Land Use Compatibility Plans: Applicant – County of Solano.

Mr. Leland gave a brief presentation. The project, sponsored by the County of Solano, is a change in zoning which requires a statutory review by the Commission. Staff recommends that the Commission find the project consistent with the Nut Tree Airport, Rio Vista Airport and Travis AFB Land Use Compatibility Plans. The project is outside the area of influence of all three airports. It is located north and east of the city limits of Dixon between Pedrick and Kidwell exits on I-80. The county is changing the zoning of 721 acres from Agriculture to Agricultural Services to establish an agricultural services industrial park. The only criteria for any of the airport land use compatibility plans is a review for structures in excess of 200 feet or more in height. The height limit in the proposed Agricultural Services district is 35 feet, except for certain land uses which would require a use permit such as wind turbines. Any structure taller than 200 feet would be required to come before the ALUC for a consistency determination. The County has incorporated in its zoning code a requirement that all uses comply with the compatibility plans of the Airport Land Use Commission. For that reason staff recommended that the Commission find the project consistent with the three airport land use compatibility plans.

Commissioner DuClair asked for a definition of Agricultural Services. Mr. Leland responded that there was a lot of agriculture produced in Solano County and an Agricultural Services district would be an area for food processing to take place. Part of Solano County's economic strategy is to boost the number food processing businesses in the county. Commissioner Potter asked if the zoning change to agricultural services would take the land out of the Williamson Land Act. Mr. Leland replied that the zoning itself does not. Only if a farmer sells the property to an agricultural services type of business that chooses to take the property out of the Williamson Act then the change would occur. Commissioner Baldwin asked about the area's the size, infrastructure and location. Mr. Leland answered that it was 721 acres near Tremont Rd. The minimum parcel size was five acres and that a race track was not an allowed use. Any required road improvements such as accommodations for increased truck traffic would be the responsibility of the developing parcel. There are about 25 or 30 landowners in the AS District. Commissioner Potter asked about any negative impacts of non-agricultural uses in agricultural areas that use the services of crop sprayers that commonly fly from private agricultural airstrips. He noted his question did not relate directly to the proposal at hand. Mr. Leland answered that the agricultural airstrips fundamentally provide spraying services to growers and that when you introduce a non-crop use in an area where fields are actively being farmed it can interfere with the ability to

efficiently spray from the air. Typically a 500' buffer is required on the non-agricultural parcel.

Chairman Vancil asked if the Commissioners had any further questions. Hearing none he opened the public hearing. There being no comment from the public or the Commissioners he closed the public hearing and asked if there was a motion from the Commission to approve the project. Upon motion from Commissioner Baumler and a second by Commissioner DuClair the Commission unanimously found the project consistent with the Nut Tree Airport, Rio Vista Airport and Travis Air Force Base Land Use Compatibility Plans

Item No. 10. Consideration of the Commission's Work Plan

Mr. Leland briefly reviewed the Work Plan and added some updates. He stated that because the state has put a freeze on its grant funding pending ALUCP updates have been put on hold. The Rio Visa Airport update has been rescheduled to 2014. The Nut Tree update will come before the Commission this summer. The Travis AFB update has been scheduled for late in the fall. There are no upcoming workshops scheduled.

Commissioner Potter asked if staff was able to investigate ALUC fees being charged by other counties. Mr. Leland stated that he began a survey of other counties and the fees were "all over the board". The survey can be completed and presented to the Commission when the Fee Study is scheduled. There still has not been a response from the County on the letter from the ALUC regarding raising ALUC fees.

Mr. Leland noted that the Board of Supervisors is going to hold a hearing on the constituency of the ALUC on March 26, 2013. Independently the Board wants to take up the discussion of how members are selected to serve on the ALUC. Staff's recommendation to the Board was that if it wanted to take action it would be a lengthy procedure that involves a lot of stakeholders groups.

Commissioner Potter noted that in the California Handbook there is information on the makeup of an ALUC. The criteria state that generally populations in areas where there are airports have a vested interest. For example there is no airport in Vallejo or Benicia. The question comes up if you don't have an airport why have a Commissioner representing that area on an ALUC. The constituency of the Solano County ALUC is not consistent with the criteria in the Handbook. Also the number of Commissioners is larger than denoted in the Handbook. Commissioner Potter noted that the argument is that if the Solano County ALUC is not constituted correctly then any decision it makes can be challenged in litigation because it is not in conformance with the guidelines of the Handbook.

Mr. Leland offered to give the Commission an expanded view of where the County is regarding the composition of the ALUC. The statute of the Aeronautics Act that permits ALUCs to be formed gives counties two ways of complying with the statute. One is to designate a stand-alone ALUC which has a particular formula on how it can be formed; a seven member commission, two members are selected by the cities select committee, two members are selected by the Board of Supervisors, two members are selected by the public airport manager(s) in that county and the seventh member is selected by the six members. There are requirements for aviation experience. There is another way to fulfill the obligation of forming an ALUC. Counties can elect to choose or designate an existing body that the county

believes can fulfill the function of airport planning. Solano County chose the second of the two ways by designating the Aviation Advisory Committee (AAC) as an ALUC in 1971. Years later the Board of Supervisors decided to constitute the Nut Tree Advisory Committee as a new body that was different from the AAC that was acting as the ALUC.

Commissioner Potter noted that when he first came on the Commission it was a joint commission with the AAC.

Chairman Vancil commented that he researched how surrounding county ALUCs are constituted and found a wide variance between them. Contra Costa and Sonoma are both set up as ALUCs described in the state Handbook. Napa County uses its Planning Commission as their ALUC. Sacramento and Yolo counties use outside agencies. The Chairman then asked the Commissioners to take a look at Solano County's airport plans and make comments as needed. He also asked if they had any comments about items to focus on in the upcoming months.

Commissioner Potter asked if the Commission wanted to move forward with scheduling workshops at regular meetings. Chairman Vancil thought incorporating workshops with regular meetings worked out better than scheduling additional meetings for workshops. Lee Axelrad noted that if a majority of the Commissioners meet it needs to be a noticed meeting that is open to the public. If it is scheduled for the date and time of a regular meeting then the title of the meeting announcement can be regular meeting with an agenda item for a workshop within it. If the meeting is scheduled for a date, time and location other than the previously announced regular meeting then, for Brown Act purposes, it would be called a special meeting.

Commissioner Baldwin asked if there were any requirements for public noticing and lighting of met towers going up in agricultural areas. Mr. Leland stated that Solano County currently requires discretionary permits for met towers beginning at 100' in height. One of the standards requires that they be marked and illuminated as if they were subject to FAA standards. Commissioner Potter noted that meteorological towers were placed on the workshop list to educate the Commission on emerging technology for towers. Commissioner DuClair noted that there are 100' to 120' high wind turbines being put up in local agricultural areas that are close to fields that are sprayed aerially. He believed that they should be illuminated for safety. Chairman Vancil believed that a recent assembly bill required anything above 50' to be lighted and marked. Mr. Axelrad noted that 50' was the height stated in the assembly bill.

Chairman Vancil summarized that the Nut Tree Airport LUCP update will come before the Commission this summer with the Travis AFB Plan in the fall and the Rio Vista Airport Plan in 2014. As workshop items come up they will be added to the regular meetings. Commissioner Randall suggested that the Commissioners receive workshop information prior to the workshop. Commissioner Potter agreed with Commissioner Randall's suggestion. Mr. Leland proposed asking the wind developers to present a workshop on new turbine technology.

Chairman Vancil asked if there was any discussion on the policy manual. Commissioner Potter stated that a policy manual would be a valuable source of information for new members of the Commission and would be a good place to put items that were removed from the bylaws such as policy matters. Commissioner Potter stated that he would like to know if the Commissioners agree that the ALUC should have a policy manual and if so, how would the manual be maintained.

Chairman Vancil noted that he had a sense that the Commission did not want to burden county staff with the additional work to maintain a policy manual at this point in time. Commissioner Potter suggested that the Commission not let the idea of a policy manual die. He thought that the Commission could take some of these things and start building the elements of a policy manual such as developing a mission statement. He volunteered to work on a mission statement that would be brought before the Commission for review and discussion. He encouraged other Commissioners to work with him on a subcommittee.

Chairman Vancil noted that the County has not brought back up question about ALUC fees. He asked the Commission if they wanted to continue to discuss the issue. Commissioner DuClair suggested that the fees be discussed during a light regular meeting.

Item No. 11 There being no further discussion the meeting was adjourned.

Note: Parts of the meeting recording are not clear. Possibly a microphone was not turned on.

The next regular meeting of the Solano County Airport Land Use Commission (ALUC) will be held on <u>April 11, 2013 at 7:00 p.m.</u> in the Solano County Administration Center, Board Chambers (First Floor), 675 Texas St., Fairfield, CA 94533.
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