

Solano County Airport Land Use Commission



SOLANO COUNTY

675 Texas Street, Suite 5500
Fairfield, CA 94533-6342
(707) 784-6765
Fax (707) 784-4805

www.solanocounty.com

Bruce DuClair
Vice-Chairman

MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION MEETING OF DECEMBER 14, 2017

The meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Multi-Purpose Room #1600/1610, (1st floor), 675 Texas Street, Fairfield, CA.

MEMBERS PRESENT: Commissioners Baldwin, Cavanagh, Vancil, Randall, Sagun, Seiden and Chairman DuClair

MEMBERS ABSENT: Commissioner Meyer

OTHERS PRESENT: Jim Leland, Resource Management; Lee Axelrad, Deputy County Counsel; Kristine Sowards, Resource Management

Call to Order & Roll Call

Chairman DuClair called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was present.

Approval of the Agenda

The agenda was approved as prepared.

Approval of the Minutes

The minutes of the meeting of October 12, 2017 were approved with a correction to the attendance to include Commissioner Seiden as being present.

Reports from Commissioners and/or Staff

There were no committee reports.

Items from the Public

There was no one from the public wishing to speak.

Old Business

There was no old business to discuss.

New Business

It is noted that Commissioner Baldwin excused himself from the meeting and left the room.

1. Public hearing to consider the consistency of Gibbs Ranch Revisions (ALUC-17-16) with the Rio Vista Airport and the Travis AFB Land Use Compatibility Plans.

Jim Leland provided an overview of staff's written report. He noted that on September 14, 2017, the commission considered a request for a consistency determination for ALUC-17-08 (Gibbs Ranch PUD). The PUD amendment made minor changes to the development standards

applicable to the residential land uses approved in the Gibbs Ranch. Mr. Leland briefly reviewed those changes.

The owners of the Liberty project are now requesting two additional modifications to the Gibbs Ranch PUD which pertain to the Industrial Development Plan and Phase III Residential. Mr. Leland briefly reviewed those modifications. Staff recommended that the revisions are consistent with the Rio Vista Airport and the Travis AFB Land Use Compatibility Plans and that the land plan depicted in Attachment 4.1 and Attachment 5 are consistent with the Rio Vista Airport and the Travis AFB Land Use Compatibility Plans and replaces any prior Commission approved land plan configurations for that area.

Chairman DuClair voiced his concern with regard to tree height. Mr. Leland stated that the plan mandates the trees not be too tall. He noted that as part of the conditions of approval the property owner would need to adhere to the operational requirements of the plan. He stated that the county would contact the City of Rio Vista if height were to become an issue.

Commissioner Vancil inquired about density requirements and the calculations used to mandate those requirements. Mr. Leland noted that the applicant submitted that information on a spreadsheet depicting each of the building classifications, square footages and occupancy load. He noted that the information was included in the staff report.

Commissioner Seiden made a comment that the developer was willing to give some consideration to the idea of safety with respect to aircraft departure and arrival on those runways. He said if something were to happen it would not just be the safety of those in the aircraft but of course on the ground as well. With that in mind, Mr. Seiden commented that it would be a good idea if somehow trees in the center section could be replaced with low growing shrubbery, and even perhaps placing the trees back within the building areas and leaving the open path in the middle.

The applicant, Glen Martin, pointed out to the commission that they are not planning to place trees, signage, or light posts in the 170 foot center section. He said the landscaping, if any, will be low growing. They are planning to let it stay native through that area as open space and without trees. In response to Chairman DuClair's concern with regard to tree height, Mr. Martin stated that they plan on establishing canopy type trees rather than tall trees.

Chairman DuClair brought up the subject of noise. Mr. Martin stated that the plan addresses the noise issue. He explained that there are zones within the plan that lay out what the decibel levels are and what the requirements are to meet those levels. In addition, he said disclosure documents are required to be provided to consumers in both the industrial and residential side of the project. Mr. Martin stated that they regularly engage with the aircraft community in Rio Vista and have talked with the members of the Rio Vista Airport Commission. He said they have spoken with city staff about having open house events at the airport to insure that people know, as homes are sold or industrial buildings occupied, that the airport exists there. Mr. Martin noted that they are going to be working with the home builders so that their disclosure language is precise and exact and in more depth so that the residents are well aware that the airport was there first and that noise and nuisance issues can arise. Mr. Martin commented that education, along with talking to people and communicating with the airport are very important.

Commissioners Vancil and Randall both brought up the subject of the possibility of future changes such as an office building which would then affect occupancy. They wanted to know if there is some kind of safeguard in place where it would be brought back before the commission for review if that change were requested. Mr. Martin said that under the current zoning he did not believe that change would be possible. He said office use would need to be supportive of the industrial use, and so he did not believe they could make such a change even if they wanted

to. Mr. Leland noted that if in the future the property owner decided to make a change in zoning the project would need to come back before the commission for review.

Commissioner Sagun asked if staff believes this project is consistent with the California Noise Standard goals. Lee Axelrad stated that there are some airport land use compatibility plans that separately set out a layer of requirements relating to noise. He stated that it is his understanding in jurisdictions where ALUC staff review projects of that nature, there will separately be a determination and recommendation that can be looked at that is related to noise. In some plans, and he believed the Rio Vista Plan to be one of them, when the plan was built those items were examined. He stated that when the review is done at the staff level staff looks at the criteria of the plan. He said this plan itself looked at the noise requirements that existed at the time.

Commissioner Sagun said that he brought up the subject because of concerns expressed by the commission and several queries made about the noise factor. He said he did not want to go down a road where the commission approves something that from the start has issues, vis-à-vis noise. Mr. Axelrad referred to page 6 of the plan noting that there is language that reflects what he had spoken to earlier. He said a composite set of compatibility criteria has been assembled which includes all the traditional airport land use compatibility concerns which includes noise. He stated that when the city comes before the commission at the general plan and zoning stage they have a document referred to as a development agreement. The developer is bound by the development agreement and that ties them to what the commission is approving. The development agreement locks the developer and the city into that plan. Mr. Axelrad said that it is the city's responsibility to enforce these rules with the developer.

Mr. Leland noted that the applicant has stated that they are well aware of the restrictions and conditions in this plan and they want to comply. He said they will inform their consumers upfront and at the point of sale that there is an airport in existence. Mr. Leland noted that a noise study was done for the commission in 1988. When the compatibility zones were constructed the commission looked at all the factors at that time. They decided in this compatibility zone it is far enough away from the 60 dba contour line and far enough away from accident prone areas. Mr. Leland stated that he absolutely believes the applicant is in compliance with the compatibility zone requirements of the plan that regulate for both residential and industrial use.

It is noted that Commissioner Cavanagh arrived to the meeting at 7:25 p.m.

Since there was no further discussion, Chairman DuClair opened the public hearing.

Bruce Springer, 3000 Bauman Road, Suite D, Rio Vista, appeared before the commission. He referred to Group 2, Figure 6 - Overflight Zone in the commission's agenda packet. He also provided the figure to the commission as a separate handout. He said in looking over the proposal for the agreement and in looking at the pattern for addressing runways two-five and seven, he said the map depicts the pattern which had been recommended and approved previously for flying over that area. Mr. Springer said the problem with that is the pattern puts it directly over the residential part of the new development. He said as a pilot this is something he has personal concern about.

Mr. Springer recommended the pattern be extended via the proposed route, which he depicted in a dashed red and green line on the handout that he provided to the commission. He said this route would put it outside the development as well as clear the existing building on the northeast corner of the development which currently tends to get overflown by a fair amount. Mr. Springer believed this would help mitigate some of the concerns they have as pilots in order to take care of the air space issue. He noted that one of the problems that exist in Rio Vista is that it is an uncontrolled airport. It is up to the pilots to make certain that they adhere to the advisories that are in place. One suggestion Mr. Springer made is that the commission make all stringent

correspondence with the City of Rio Vista necessary to make certain that these regulations are carried forth as much as possible. He mentioned that there are transient pilots who tend to use this somewhat as a hot dog airport since there is no control tower and so there are issues with them violating the rules and regulations that are in place.

With regard to noise, Mr. Springer said they have never found noise to be an issue. He commented that the noisiest aircraft they have out there is a crop duster which is not even stationed at the Rio Vista Airport, but operates approximately 4 or 5 miles to the east.

Mr. Martin said that he has had conversations with the manager at the Rio Vista Airport about the flight pattern and there is a voluntary flight path agreement, or something similar, which has been established. The pilots fly slightly south and make a wider turn around the section of development.

Mr. Leland stated that this referenced exhibit comes from the new Rio Vista Plan that the commission will be considering at their next meeting. He suggested that during that consideration and public hearing, if the commission chooses, they could authorize the Chair to write a letter to the City of Rio Vista expressing concern about that one particular flight track and ask them to adopt local procedures and clarify, as suggested by the speaker, some alternative pattern. Commissioner Vancil commented that Travis Air Club is stationed in Rio Vista and suggested that staff should engage them as well to help in setting some standards.

Will Smith, 3000 Bauman Road, Suite D, Rio Vista, appeared before the commission. He said he was interested in discussing the 2017 ESA document, but commented that perhaps most of his concerns will be addressed at the next meeting when the commission discusses the Rio Vista Plan. He spoke specifically to Figure 2, which he realized the commission does not have. Mr. Smith explained that Zone 3 is a 30 degree patch off the end of each of the runways in the direction of the traffic pattern itself. Table 1 suggests housing density not greater than 1 house per 2 acres and the departing pattern for runway two-five covers most of the southeast corner. Mr. Smith stated that he is a pilot and a tenant at the Rio Vista Airport. He commented that he is also a plane crash survivor. He said that it was in one of those triangle patches that he had to set his airplane down. He said the housing density allows enough open space that one can avoid obstructions, but noted that it was on the way down that he experienced the problem. He commented that he would attend the next meeting.

Mr. Leland clarified that the plan Mr. Smith is referring to is a proposed plan that has not yet come before the commission. The commission will be considering it for the first time next month. Mr. Leland noted that currently the plan is out for public review, mainly by the City of Rio Vista. He said the commission may or may not adopt the plan as proposed. They may also make changes or defer it back to staff for more information. There is no way of knowing tonight. Mr. Leland stated that the current developer is subject to the 1988 Plan and not the plan that will be considered at the next hearing.

Mr. Leland also stated that the 1988 Plan uses different names and has slightly different purposes for their compatibility zones than the current proposal. Some zones are more restrictive and some are less. With regard to the southeast corner of the development proposal as mentioned by Mr. Smith, Mr. Leland said that according to the development plan this is within Zone C under the current plan. Mr. Leland said there is a fair amount of open space in addition to what the applicant provided in the industrial area. Mr. Leland said there is significant amount of open space even though the density might be higher than may have been imposed in the new plan. Mr. Leland believed that the project has an abundant amount of acreage of open space down the southeast quadrant of the residential area for a forced landing.

Mr. Smith stated that he will come back next meeting to discuss this further if necessary.

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

A motion was made by Commissioner Seiden and seconded by Commissioner Vancil to determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously 6-0 with Commissioner Baldwin being absent from this item. (Resolution No. 17-16)

It is noted that Commissioner Baldwin rejoined the Commission for the remainder of the agenda.

2. Public hearing to consider a Consistency Determination for the proposed City of Benicia Noise and Outdoor Entertainment Regulations (ALUC-17-17) with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Benicia)

Jim Leland briefly reviewed the written staff report. The City of Benicia 1999 General Plan established standards for noise levels when it was adopted. The noise standards are further codified in the Benicia Municipal Code and have been imposed through use permits on various projects over the years. In addition, the BMC and the City's Downtown Mixed Use Master Plan have provisions regarding events which include sources of noise. The City has determined that the provisions of these various regulations are not always consistent with one another and has embarked on a set of amendments to the governing documents to bring them all into consistency with the noise provisions of the General Plan. Each component is described in detail in the report.

Mr. Leland further reported that the land use and noise regulations as well as the Master Plan amendments are statutorily required to come before the ALUC for a consistency determination. These regulations apply to properties in various locations of the City of Benicia and thus are reviewed in light of consistency criteria in both Compatibility Zone D and E. Staff has reviewed the proposed City of Benicia Noise and Outdoor Entertainment Regulations for consistency with the applicable land use compatibility plans and recommended the commission find consistency.

Commissioner Cavanagh noted that not long ago the commission approved expanding the area of influence of Travis AFB to the entire county. He stated that his concern at the time of that expansion and the reason he voted no was that the commission would be seeing a lot of proposals come through that have nothing to do with flight safety. He did not believe that noise in downtown Benicia has anything to do with flight safety. Mr. Leland stated that the concern with regard to Benicia is with tall objects, especially wind turbines on the ridgeline and their interference with aircraft radar. He explained that the only way to address that concern was to expand the area of influence to include Benicia. And in doing so, the commission would need to review any zoning changes that would go along with that.

Commissioner Cavanagh reiterated that this would be the reason for his objection. Mr. Leland said there is no way to navigate that without the state legislature changing the rules.

Lee Axelrad explained that in order to protect Travis AFB from compatibility concerns the airport influence area has to include the entire county. One of the implications of that is the state statute says all general plan amendments and zoning amendments within the airport influence area need to come before the ALUC. He said reviewing an ordinance like this is in a way one of the prices of protecting the Base.

Commissioner Cavanagh said he believed the Base was already protected when the real sphere of influence was defined by the commission. He stated that if the commission passed

that resolution to expand the sphere of influence to the whole county, then maybe the commission should consider taking it back.

Mr. Leland gave an example of what happened in Benicia after the 2015 Plan was adopted. He said it stopped a commercial wind turbine project from being built on the ridgeline above Lake Herman Road that would have interfered with Travis' radar. He stated that that authority was not available under the old plan.

Commissioner Sagun asked if the county has ever taken a look at a potential for laser hazards when looking at these types of regulations. Mr. Leland stated that that subject has not been reviewed specifically. He said there are general rules that glare cannot be created and it could be enforced that way. He noted that there is nothing that deals with human activity of pointing a laser light at an airplane.

Commissioner Sagun said, for example, there could be a band or some type of entertainment that sets up with a laser light show. He wanted to know if that was within the commission's purview to regulate. Mr. Leland stated that there is a prohibition against hazards to flight and the word glare is used. The county could approach the city in an attempt to have the nuisance stopped. If the city cooperates that would be great, if not, it could lead to some conflict between the commission and the city which would need to be resolved.

Chairman DuClair agreed that so far it is not an issue but that the potential could exist somewhere down the line.

Chairman DuClair 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 Sagun and seconded by Commissioner Randall to determine that Application ALUC-2017-17 (City of Benicia Noise and Outdoor Entertainment Regulations) is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously 7-0. (Resolution No. 17-17)

Commissioner Cavanagh asked if it is possible to consider a change to the commission's bylaws where with these types of items, which are clearly not within the commission's mission, be approved by way of consent calendar. Mr. Leland stated that this is something staff could include on a future agenda for discussion.

3. Public hearing to consider Consistency Determination for the proposed City of Suisun City Cannabis Regulations (ALUC-17-18) with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Suisun City)

Mr. Leland stated that with this item he could adapt the consent calendar idea by stating that the commission has received the report for this project and that staff would be happy to answer any questions the commission may have. Mr. Leland stated that there are no safety issues for aviation embedded in this ordinance.

Commissioner Randall spoke with regard to the commercial aspect of the regulations and wondered if the use of drones could become an issue. Mr. Leland stated that with this ordinance the city is dealing with personal use. He commented that the city is working on setting up a framework to consider commercial use in the form of an overlay zone that they may apply later as a subsequent action. That would have to come before the commission for the specifics of how that commercial operation is going work and where it will be located within the city. Mr. Leland commented that it would probably not address the use of drones. He said drones will need to be regulated in a different manner, and unfortunately with commercial drone activity the

commission is currently preempted by the FAA. He did not believe that there will be anything the city brings forward to the commission in the future regarding drone activity.

Chairman DuClair 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 Cavanagh and seconded by Commissioner Randall to determine that Application ALUC-2017-18 (City of Suisun City Cannabis Regulations) is consistent with the Travis AFB Land Use Compatibility Plan (Travis Plan). The motion passed unanimously 7-0. (Resolution No. 17-18)

4. Public hearing to consider the consistency of the Holiday Inn Express Planned Unit Development (ALUC-17-19) with the Travis Air Force Base Land Use Compatibility Plan. Applicant - City of Suisun City

Mr. Leland provided a brief summary of the staff report. The City of Suisun City is in the process of reviewing the Holiday Inn Project, a planned unit development. The Project consists of an 83 room 4 story garden hotel with related guest services. The proposed building is 45.4 feet tall. They meet all of the requirements in the plan and staff recommended consistency.

Chairman DuClair 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 Cavanagh and seconded by Commissioner Seiden to determine that Application ALUC-17-19 is consistent with the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously 7-0. (Resolution No. 17-19)

Adjournment

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