

Minutes - Final Airport Land Use Commission

Thursday, June 8, 2023

7:00 PM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Airport Land Use Commission met on May 11, 2023 in the Board of Supervisors' Chambers at the Solano County Government Center, 675 Texas Street, Fairfield, California, at 7:00 p.m. A quorum was met at 7:10 p.m. and the meeting commenced.

Solano County Staff present were Resource Management Director Terry Schmidtbauer, Deputy County Counsel Lori Mazzella, Principal Planner Nedzlene Ferrario and Clerk Melissa Catron.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present were Commissioners Bruce DuClair, Thomas Randall, Dan Sarna (7:10 p.m.), Stephen Vancil and Chair Ross Sagun.

APPROVAL OF AGENDA

On a motion by Commissioner DuClair, and seconded by Commissioner Vancil, the agenda was approved. So ordered by 5-0 vote.

APPROVAL OF THE MINUTES

- 1 [AC 23-022](#) Approve the minutes of the Airport Land Use Commission meeting of May 11, 2023

Attachments: [May 11, 2023 Minutes - Draft](#)

On a motion by Commissioner Vancil, and seconded by Commissioner Sarna, the minutes of May 11, 2023 were approved. So ordered by 5-0 vote.

REPORTS OF COMMITTEES

There were no reports from committees.

ITEMS FROM THE PUBLIC

Chair Sagun invited members of the public to address the Commission on matters not listed on the agenda but within the jurisdiction of the Commission.

There were no speakers.

CONSENT CALENDAR

PUBLIC COMMENT ON CONSENT CALENDAR

Chair Sagun invited members of the public to provide public comment on the consent calendar. There were no speakers.

APPROVAL OF THE CONSENT CALENDAR

On a motion by Commissioner Vancil, and seconded by Commissioner Sarna, the following consent calendar items were found to be consistent with Land Use Compatibility Plans. So ordered by 5-0 vote.

2 [AC 23-023](#)

ALUC-23-07 (Vacaville Development Code Update)

Determine that Application No. ALUC-23-07, (Vacaville Development Code Update), located within the Travis Airforce Base (AFB) Compatibility Zone C and D, and within the Nut Tree Airport Compatibility Plan, is consistent with the applicable Airport Compatibility Plans (City of Vacaville)

- Attachments:*
- [A - Airport Compatibility Zones and Airport Land Use Criteria](#)
 - [B - Draft Development Code Amendments](#)
 - [C - City of Vacaville and Compatibility Zones](#)
 - [D - City of Vacaville Application](#)
 - [E - Draft Resolution](#)

3 [AC 23-024](#)

ALUC-23-08 (Suisun City Building Code Update)

Determine that Application No. ALUC-23-08, (Suisun City Building Code Update), located within the Travis Air Force Base (AFB) Compatibility Zone C and D, is consistent with the Travis AFB Land Use Compatibility Plan (LUCP) (City of Suisun)

- Attachments:*
- [A - Airport Compatibility Zones and Airport Land Use Criteria](#)
 - [B - City of Suisun Draft Resolution](#)
 - [C - City of Suisun Application](#)
 - [D - Suisun City and Compatibility Zones](#)
 - [E - Draft Resolution](#)

REGULAR CALENDAR

4 [AC 23-025](#)

ALUC-23-05 (Vacaville City Housing Element and General Plan Update)

Determine that Application No. ALUC 23-05, (Vacaville Housing Element and General Plan Update), located within the Travis Air Force Base (AFB)

Compatibility Zone D and E and Nut Tree Airport Compatibility Zones, is conditionally consistent with the applicable Compatibility Plans. (City of Vacaville).

Attachments: [A - Airport Compatibility Zones and Airport Land Use Criteria](#)
[B - Map of Properties on Callen St Area and North Village](#)
[C - Properties on Callen Street Area and North Village Density and Construct](#)
[D - Links to Housing and General Plan Updates](#)
[E - Compatibility Zone Map](#)
[F - Properties in Travis Zone D and Nut Tree Zone F](#)
[G - City of Vacaville Application](#)
[H - Draft Resolution](#)

Principal Planner Nedzlene Ferrario presented the compatibility determination of the City of Vacaville's Housing Element and General Plan Updates with the Land Use Compatibility Plans (LUCP). She noted the staff recommendation to the City of Vacaville to develop a new land use designation to limit/cap the housing densities in the Callen Street and North Village areas. Ms. Ferrario stated the City has agreed and will present the new "Residential-High Density Limited" land use designation along with agreed changes to their land use diagram, General Plan and zoning to cap present housing densities which will come before the Commission within one year.

Tyra Hays, City of Vacaville Senior Planner, presented the City's Housing Element and Implementation, Safety Element and Community Health Goals, Policies and Actions and primarily focused on the Site Inventory Rezoning Program, HE-18, and the proposed zoning changes for the Callen Street and North Village areas to limit/cap densities at current limits of 20 to 24 units per acre following County staff discussions and recommendation. The City also agrees with the condition to return to the ALUC within one year to address those nonconforming areas.

Responding to a question of cost by Commissioner Duclair, Ms. Hays stated the proposed change to create a new land use designation would only apply to those areas in Zones D and E, and there would not be additional cost associated with making that change.

Commissioner Vancil asked of the Villas at North Village built in 2008 and if that project was brought before the ALUC.

Ms. Hays introduced Albert Enault, City of Vacaville Project Manager of North Village, who stated that North Village was brought to the City in the early 1990s with a Specific Plan identifying land use areas. That plan was brought to the ALUC he believes in 1994 and then the Vacaville City Council in 1995. In 2008 the City reviewed the Villas development for consistency with the plan deemed consistent by ALUC in 1994.

Commissioner Vancil commented on the high density in the Villas parcel and of the City's population growth and change in regulations and guidelines since 1960. He noted densities in Zones D and E being above limits and would have difficulty finding it consistent even with the condition. He spoke of a plane crash by North Village, and that aviation safety is of prime concern with the ALUC. Keeping open space and low densities at airport approach and departure zones is important.

Commissioner Randall thanked the City for presenting this update and stated that commissioners that are a part of Vacaville are here for the City and want to work together; and invited City staff to ask questions of the Commission.

Chair Sagun commented that the limit at North Village in Zone E is 6 units per acre and currently around 23 units were built in 2008. He asked if this development came before ALUC in 2008 for consistency. Mr. Enault responded that in 2008 it did not; the original specific plan identified how many units would have been built at this location in 1994 when it did come before the Commission and deemed consistent.

Chair Sagun commented that he would like to understand how the development was deemed consistent in 1994 if the State mandate is 6 units per acre and there are 23 units, and asked City staff if they had any background.

Peyman Behvand, City of Vacaville Planning Manager, provided context that the North Village project is similar to the Nut Tree project which came before the ALUC in early 2000s that had a density allowed for apartments that was approved as part of a larger master plan. Same with Laurel Village where some of the density was allowed to be clustered to allow for apartments. He is happy to review records and bring back findings to the Commission, but it is not unusual for larger master plans that came before the ALUC in the 1990s and 2000s to have a residential component that exceeded density limits generally as it was clustered and evaluated in the larger context of the project that the Commission found to be consistent.

Chair Sagun recalled a worthy project before the Commission that was deemed inconsistent due to the density. He echoed Commissioner Randall that the Commission wants to work with the City, but if the Commission were to find that a density 4 times the mandated density as consistent, it would set a precedent and one they would have a hard time explaining why previous plans were deemed as inconsistent. Mr. Behvand responded that the project being referred to is not being asked for as a new project, they are asking to keep densities as they are so that they do not increase.

Responding to a question by Chair Sagun regarding density changes, Mr. Behvand responded that State law requires they go up to 30 units, but the City will keep the density as is by creating a new zoning designation with a density limit that will be brought to the ALUC for consistency. In terms of the history of that particular apartment project, he is happy to review further of what that specific process consisted of but at this point they are agreeing to the density and trying to keep as it is now and not allow it to grow.

Chair Sagun asked if a new developer could come in and add development in that area with 24 units per acre supposing that the draft becomes in fact the law. Mr. Behvand stated for that particular parcel, it is currently at 24 units and would be limited to 24 and they are trying to keep the sites in Zones D and E at their built density. They would present this recommendation to City Council and any developer who bought parcels in Zones D and E could not increase the density.

Chair Sagun asked a parcel could be renovated with a new building and built to 24 units. Mr. Behvand responded that would not be possible as they are

currently at the maximum density, so they would be unable to add more.

Chair Sagun asked staff if they believe the resolution as proposed would address all the safety concerns as a Commission.

Ms. Ferrario responded she cannot predict an aircraft crash and ALUC is limited to what they can do. She understands the ALUC is unable to approve an increase in this area because it is a specific situation and we are basically tied to this recommendation. We have to deem it nonconforming and be assured there will be no new development, but that does not mean there is no risk for aviation safety.

Commissioner Vancil commented on the development he has observed since 2008 and understands now that even though it is high density at 22.8 dwelling units/acre in that one parcel, his guess is the 1994 Commission were probably using the open space to the west to determine densities. He recalled the concept of clustering in 2008 where they intentionally tried to place development where it would leave a clear path and the overall plan was probably below 6 units with all that open space.

Commissioner Vancil asked City staff if there are any proposed developments in the open space in (Nut Tree Airport) Zones C and E. Mr. Enault stated that the area is part of the North Village Specific Plan and identified as Business Park with a stream of regulations for how it should develop. Ultimately, the City has a Municipal Code that is consistent with the 1988 Nut Tree Compatibility Plan and they have a method for ensuring that any new development proposed in the compatibility zones will not be creating a situation where it's increased in the degree of nonconformity.

Commissioner Vancil asked if there was a condition such as no residential development in Zone C the Commission could impose that would not be too limiting for the City.

Mr. Behvand responded he cannot tell the Commission if the specific plan would say no residential development right now, but understands how Zone C works. In its present condition there is a large conservation area that is bisecting both properties that is not conducive for residential development but it is zoned for business park development. He cannot now say if that condition would mimic regulations but if any development occurs in that area, City staff must review and work with County and Military Airport staff to ensure consistency with the compatibility plans. If not, they would not recommend approval.

Char Sagun asked if the Commission voted to deem inconsistent, will the City intend to push forth in regard to the draft Housing and Safety elements?

Erin Morris, City of Vacaville Community Development Director, responded that the City is hoping the ALUC will deem the draft consistent with the conditions set forth by County staff; but, if deemed inconsistent, they will still recommend that the sites discussed be capped at their current density and will not recommend they be increased to 30 units per acre. The understanding of why that is important came about in the cooperation they've had with County staff to get them to this meeting this evening.

Chair Sagun opened the public hearing. There were no speakers and the hearing closed.

Chair Sagun is concerned about precedence setting that could be far reaching and very concerned of aviation safety.

Commissioner Randall commented his understanding is that the State cap is 30 units, they are at 24 units and the City wants to keep that limit which is inconsistent with the LUCP. The Commission would be saying the inconsistency exists. We have a land use policy now that will limit it to the one we had at first and they couldn't increase it without coming through the ALUC for review.

Commissioner DuClair commented he did not want something to get through because somebody didn't put a period at the end of a sentence, and someone may say "here it says we can add to that". Once we get to the limit, that is it. That is what we are concerned with.

Chair Sagun asked if there is any developable land in areas increased to 24 units per acre. Ms. Hays responded that the Callen Street area is built out, only areas in brown are currently designated for High Density Residential and are the existing areas that cannot expand. With the proposed general plan amendment and zoning change to control the maximum densities, they will never be able to go beyond 24 units per acre without another general plan amendment and zone change that would come before the ALUC.

Chair Sagun asked that if any units are torn down and rebuilt, would they be required to be at 4 units or allowed to go to 24 units. Mr. Enault responded that they have a nonconforming chapter in their Municipal Code that states if a structure is damaged by less than 50% of its value it can be rebuilt to the same exact specifications; however if damaged more than 50%, they can raze the site and build at current standards.

Commissioner Vancil commented on plans and cost to update the 1988 Nut Tree Airport LUCP but that issues at Travis and Rio Vista Airports used the money needed to update their LUCP.

Commissioner Vancil proposed to amend the resolution with an additional condition that any further development of any kind in (the Nut Tree Airport LUCP) Zone C would need to come before the ALUC.

Ms. Morris stated "the City accepts that" condition.

Ms. Ferrario suggested that she work with the City of Vacaville to review zoning regulations closer between now and one year and review other methods or other zoning tools that could be used.

On a motion by Commissioner Vancil to add a resolution condition #2 that any proposed development in Zone C would need to come before the ALUC, and seconded by Commissioner DuClair, item AC 23-025 (ALUC-23-05 Housing Element and General Plan Updates) as amended was found to be consistent with the Travis and Nut Tree Airport LUCPs. So ordered by 5-0 vote.

INFORMATIONAL ONLY

- 5 [AC 23-026](#) Discuss Wildlife Hazards Subcommittee Mission

Chair Sagun noted the handout provided to Commissioners stating this discussion is to refocus on the mission, timeframe and operation of the Wildlife Hazards Subcommittee. He proposed to keep the same members (Commissioners: Ryan-Chair, Sarna, DuClair, Seiden-Alternate). Upon Commissioner Ryan's departure from the ALUC, he proposes that Commissioner Sarna assume Chair and Commissioner Seiden assume the member vacancy.

Subcommittee Mission:

1. Work with Resource Management to reduce wildlife hazards to county airports
2. Contact DWR and other agencies to communicate ALUC concerns
3. Contact wetlands developers for status of current projects presenting wildlife hazards
4. Participate in subcommittee quarterly meetings
5. Participate in the Wildlife Hazards Task Force
6. Provide regular updates to the ALUC

As this is an ad hoc committee, it is estimated the committee will conclude its work in a 3-6 month timeframe to be further evaluated near end of timeframe.

Commissioner DuClair confirmed with staff the location of the July 12 subcommittee meeting. Ms. Ferrario stated she would send a reminder with Agenda prior to the meeting.

COMMISSIONER COMMENTS

There were no commissioner comments.

ADJOURN

This meeting of the Airport Land Use Commission adjourned at 8:06 p.m. The next regular meeting is scheduled for July 13, 2023 at 7:00 p.m.