



Solano County
Airport Land Use Commission
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Steve Vancil
Chairman

MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION Meeting of March 13, 2014

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: Commissioners Potter, Baldwin, Baumler, Seiden, DuClair, Randall and Chairman Vancil

MEMBERS ABSENT: Commissioner Cavanagh

OTHERS PRESENT: Bill Emlen and Jim Leland, Resource Management; Lee Axelrad, County Counsel; Eva Rivera, Resource Management Administration

Item Nos.

1, 2 & 3:

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

Item No. 4. Approval of the Agenda

The agenda was approved as prepared.

Item No. 5. Approval of the Minutes

There were no minutes for approval.

Item No. 6. Committee Reports

There were no committee reports.

Item No. 7. Public Comment

There was no one from the public wishing to speak.

Item No. 8. Old Business

There was no old business.

Item No. 9. New Business

A. Action Item: Consider establishing the composition of committees and working group(s) for the Travis Air Force Base Land Use Compatibility Plan (TAFB LUCP) update effort.

Jim Leland informed the commission that the consultant firm of Environmental Science Associates (ESA) has been hired by the county to commence work on updating the TAFB LUCP. He stated that ESA will make a presentation before the ALUC in May to provide an outline of the preliminary schedule and to answer any questions the commission may have about the process. He noted that the task at hand this evening is staff's recommendation of establishing some working committees to assist either the commission or staff in the preparation of the update. The committees will be asked to report back to their appointing bodies and share the information as the process evolves. Staff is recommending that three committees are necessary in order to assist the commission in this endeavor and are a policy committee, a technical advisory committee and a renewable energy working group. Mr. Leland described the makeup and duties of each committee and the working group.

Commissioner Potter inquired as to why representatives from the cities of Dixon, Benicia and Suisun would be assigned to the committee since those cities have marginal influence or direct concern with the project.

Mr. Leland stated that one of the biggest land use issues that will need to be examined in this process is the placement of utility scale wind turbines in the county. As long as the turbines are within the view shed of the air traffic control radar at Travis, there will need to be policies and rules for where they can be located and under what circumstances they are permitted. He noted that the only city that would not be visible by that radar would be the City of Vallejo. Mr. Leland commented that the area of influence of the base is likely to get larger than what it was in 2002.

Commissioner Seiden stated that the proposed constituents of two solar energy companies and two wind energy companies seems to present the possibility of competing economic interest between groups. He inquired as to what the selection process would be for participants from those two groups. Mr. Leland noted that these will be ad hoc committees and under the commission's by-laws the positions would be filled by the recommendation of the Chair. He noted that staff will work with the chair to devise a process by which candidates will be solicited.

Commissioner Potter inquired if the chair for each committee will be appointed or elected. Mr. Leland responded that the thought is to leave that task to each committee to work out how they would like to choose a chairperson.

Commissioner DuClair stated that he would personally like to have information in advance of who the committee members are so that the commission is aware of the possible candidates for the position of chairperson.

Chairman Vancil commented that as the discussion gets underway, the commission may want to decide to develop some type of review process for the selection of the chair for the various committees.

Commissioner Seiden stated that with respect to the county's interest in the development of solar and/or wind energy he wanted to know if there are other potential conflicts that the commission may have reason to have an interest in at this time.

Mr. Leland stated that one of the early tasks for the consultant to accomplish is to research if there are any emerging issues occurring that the commission or staff may be unaware

of. He noted that the consultant will also be doing a lot of public outreach to get as much participation as possible from the various communities.

Commissioner Potter asked Commissioner Seiden if he was referring to an example of multiple types of solar or multiple types of wind.

Commissioner Seiden stated that he was thinking more in other forms of energy production or other things that might interject themselves into the environment during the time in which this master plan is in effect. He stated that it is a broad question as to what may be occurring in the area that we are not yet aware of. He asked if it would be possible in the process to come up with policies with respect to wind and solar energy, and to make a caveat statement that if another form of potential interference arises during the time of this plan being in effect that the county would have that opportunity to take a close look at it before it happens.

Mr. Leland stated that one of the things the commission may want to think about is the recommendation that staff is going to be suggesting through this process that Travis have its own review procedures and policies. He said that some of the aspects the commission may want to consider are how often the Travis plan will be updated. He explained that historically major updates have been done infrequently, but recently the commission updated the plan with respect to the Assault Landing Zone. He stated that this represents a more pragmatic way to deal with issues, which is to make focused amendments as a concern first begins to emerge and step in and amend the plan so that the plan is current. Mr. Leland noted that this is how cities and counties update their zoning ordinances. They have moved from doing them once every decade to frequently updating them to make sure they are always matching the community desire. Mr. Leland stated that the county's review procedure should look at that issue of how frequently an update is done to keep the plan current.

Mr. Leland noted that he learned of an issue recently because Travis has been performing some preliminary work on the Joint Land Use Study (JLUS) with the Office of Economic Adjustment, and one of the issues that was raised by Travis was the notion of spectrum encroachment. One of the things the commission may want to look at under the JLUS grant is are there private telecommunications facilities out there that are interfering with some of the digital technologies that are being rolled out and deployed at the base or on aircraft. Mr. Leland stated that this may lead to a whole new set of regulations that do not currently exist.

Chairman Vancil stated that the commission needs to decide if they are in favor of staff's proposal for establishing these committees and working group, and decide exactly how they should be structured and how the chair and members of each committee will be chosen. Mr. Vancil commented that as the chair he will be involved in this aspect but he did not want to be the only person deciding who will be sitting on these committees.

Chairman Vancil stated that in his view there will most likely be 2 or possibly 3 commissioners assigned as a liaison to each committee who will meet with the committee and engage with them to answer questions if needed.

Commissioner DuClair stated that he would be in favor of receiving regular updates from these various committees so that the commission stay current with the process.

Chairman Vancil said that in looking at the future he predicted that there will be meetings held most months and it would be appropriate to get updates from the committees at those meetings.

Commissioner Potter said that it might be worthwhile to note that staff did not randomly propose the formation of these committees/working groups. He referred to a state document published in 2006 that gives a guideline where these working groups and committees were described and so there is a good precedence for these particular groups being organized to do the purpose at hand.

Chairman Vancil noted that next week he and Commissioner Randall will be attending the CAL ALUC seminar, and according to the draft agenda some presentations and updates will be given with regard to the preparation of an airport land use compatibility plan. Also listed on the agenda is the Muzzy Ranch Decision. Chairman Vancil stated that this seminar will provide relative information that will help the commission as they proceed in this update process.

Chairman Vancil requested that the commissioners indicate their interest in participating on any of these committees to staff before the next commission meeting.

Commissioner Potter inquired about Brown Act requirements with regard to the policy committee since all five Board of Supervisors will be sitting as part of that committee because they are a part of the Solano City-County Coordinating Council (4C's).

Lee Axelrad stated that he was not familiar with the details of the operating procedures used at the 4C's meetings, but he imagined that when the subject matter of the Travis Plan Update comes before them they will fit that into their agenda procedure.

Chairman Vancil stated that if the commission agrees that the 4C's would be a good choice for the policy committee then the selection of who would sit on that committee is already preset. The issue of the Brown Act would take care of itself because that meeting body already posts the agendas for their regular meetings and this would be an item on that agenda. Mr. Vancil stated that perhaps a more complex issue would be establishing a procedure on how to select those members who will sit on the technical committee and renewable energy working group, especially if the working group attracts the interest of numerous entities and space is limited.

Mr. Leland stated that the way staff envisioned this is that nearly all the seats on each committee will be filled by the appointing agency. He explained that if we invite the individual cities to participate, the city will determine who they are assigning to represent their city and the same would apply with the other agencies listed. Mr. Leland noted that where staff would need some kind of selection and evaluation process is for the members who are going to represent private industry because there is no appointing authority for those groups. He said that we will need to see what the market brings in terms of people who are interested, and if there are more than two interested parties then it will need to be determined how that appointment will be made.

Mr. Leland stated that perhaps it would be helpful to the commission if the chair and staff worked on a proposed process for screening and recommending members from the solar and wind energy industry, as well as a process for selecting the chair for each committee. He noted that staff could bring this back before the commission at their April meeting.

Bill Emlen, Director, Resource Management, stated that as the process gets underway if it looks like adjustments need to be made, staff can always come back before the commission to make those adjustments.

Chairman Vancil confirmed that the commission was in agreement with staff's recommendation to establish a policy committee, technical committee and renewable energy working group. Also as recommended, the commission agreed that the policy committee should consist of the members of the 4C's which is an existing organization within the county; the technical committee would consist of members from the six cities and various agencies as listed in staff's report; and the working group would consist of various agencies and members of the solar and wind energy fields. Chairman Vancil said that he will work with staff to develop guidelines for the selection of members for the energy working group for the various renewable energy companies interested in participating in the process. He also stated that he will encourage monthly updates from these committees to be presented to the commission on a regular basis.

Chairman Vancil opened the floor to any members of the public who wished to speak.

Beth Tincher, SMUD, stated that SMUD has been and continues to be a responsible operator of wind development projects within Solano County's wind resource area. She stated that they have a strong technical background and expertise in performing wind development projects and are one of three development teams who have worked with Travis AFB through their Cooperative Research and Development Agreement (CRADA) process. Ms. Tincher stated that they respectfully request to be added to the renewable energy working group as one of the wind developers and believe they would be a valuable addition to the team.

Commissioner Vancil acknowledged that the commission received SMUD's letter with their request to participate in the process. He mentioned that he also recalled that when the CRADA process began that SMUD was one of the first partners and were very helpful in the process.

B. Receive a Report: Receive a report from staff on CalTRANS grants for updating the Land Use Compatibility plans for the Nut Tree Airport and Rio Vista Airport.

Mr. Leland spoke of the proposal by the state to combine the Rio Vista and Nut Tree updates into a single countywide project. He noted that after some review, the state has decided to withdraw its offer and now the county is waiting for the Rio Vista grant to be refunded. He stated that there is funding for the Nut Tree Airport plan update, however the commission made the decision not to update the 1988 plan based on the master plan for the airport. The county informed the state that the grant monies for the Nut Tree update were no longer needed and that is what started the conversation about combining the two updates, but the state disagrees with that action.

Mr. Leland explained that the state is the author of a recent handbook on how to plan for airports and they are firm believers that their template is a good thing to impose and would like to see all jurisdictions use that template. Mr. Leland stated that he has informed the state that the commission has found the 1988 plan to be consistent with the master plan for the Nut Tree Airport. He said that unless the commission or the chair wants to meet

with the state and sort out what their interest is, it is the commission's decision whether or not to update the plan and whether or not to use the template approach.

Commissioner Potter said that he did not feel the commission could move forward with any decisions until a staff report is provided that gives the ins and outs of the grant and consequences for the two different airports.

Mr. Leland stated that he is not asking the commission to make any decisions at this time, but is just providing information on the state's position.

Chairman Vancil stated that the commission has a busy year ahead of them. He commented that the 1988 Rio Vista and Nut Tree plans both have some issues, but the Travis plan has jumped to the forefront of the discussion. Commissioner DuClair suggested adding an addendum during the update process showing that the property around the Nut Tree Airport is county land and that the airport use is significantly different than it was 30 years ago.

Commissioner Seiden said that he did not believe the airport use is all that different. He said that it is still mostly private aviation and instruction which is very similar to what it was. It has evolved in terms of being more modern, but the prime use of the airport is pretty much the same as it always was.

Commissioner Seiden inquired if the commission should convey to the state that there is not a need at this time to update the plan.

Lee Axelrad spoke regarding the Public Utilities Code, State Aeronautics Act (SAA) where it points to circumstances in which an ALUC should look at its land use compatibility plan and determine whether to update it, and one circumstance is when a new master plan for an airport is prepared. He noted that when the master plan for the Nut Tree Airport was prepared the commission determined that based on that plan they did not see a need to update the airport land use plan. Mr. Axelrad stated that Caltrans feel that the issuance of their statewide guidance document somehow drives ALUCs around the state to update their local plans and he did not agree with this view. He stated that the update of the statewide handbook does not compel the commission to open up its existing plans. Inside the SAA there is also some language that says ALUC land use compatibility plans should be updated as often as necessary, but not more frequently than once a year. He said that if a commission independently sees a reason to look at the plan then that would be fine, but he did not want the commission to have any misconception that they are compelled to do it by law. He said if the commission did decide to update the Nut Tree Plan there would be a requirement that the new statewide Caltrans guidance document be considered in that update.

Mr. Emlen commented that the department is making adjustments in anticipation of the work that is going to be going into the Travis update but the idea of juggling multiple plan updates at once is not going to be easy with the current staffing level.

Commissioner Seiden stated that as the commission looked at the general plan update for the Nut Tree Airport, it was noted that daily operations, take offs and landings have fallen far short of original predictions. It is in many ways much the same airport as it was back in 1988 since there is no precision approach or additional runways that have been added. He

did note that there was a small extension made to the runway but it was not a major change.

Commissioner Potter stated that the Nut Tree update might be something that can be fit in along with the regular workload because there is not a set deadline for completion and we should reconsider that there is merit in bringing it into currency with current documentation. He said that even though the airport use is not dramatically different, it is out of sync with all the regulations and facts that the state is putting into their new documentation.

Mr. Axelrad stated that in some cases some local plans have to sync up with state or federal plans and is referred to as a conformance requirement. He indicated that there is no requirement like that for this ALUC. He said that it is not required that the local plan sync with the state guidelines or conform to it. There is a requirement that if the plan is being amended that the state guidelines be considered, but under state law the authority to decide what the safety zones are with the plan is the commission's decision. Mr. Axelrad stated that even if there were some discretion between the state guidance document and the current plan, it would not raise a legal compulsion that the plan be amended.

Commissioner Potter inquired if it is prudent to move ahead on a slower schedule, but one that takes advantage of the funds available for the Nut Tree Airport update.

Mr. Leland stated that at the Nut Tree the undeveloped land is on the northeast end of the airport which is where there is more protection than the state template would impose. At the opposite end of the airport the protection zone is smaller than the state template so there is less protection but the land is developed. He said the commission has no jurisdiction over existing development so the simple effect of what the state is pushing the commission to contemplate is increase protection over the developed portion of Vacaville and reduce the protection on the undeveloped land. Mr. Leland commented that there are developers waiting for the commission to impose the state template because they have a keen interest in how big the protection zone is on the northeast side of the airport. Mr. Leland stated that he felt the commission made a very wise decision when it chose to leave the 1988 plan in place at the time the master plan was considered.

Chairman Vancil stated that he gets the sense that a few of the commissioners believe there is some merit for an update to the Nut Tree plan but it is not urgent and doing it at this point in time may actually be counter-productive. He said that the commission has to focus on the Travis plan as well as the Rio Vista plan. He inquired about any possibility for the transferring of funds from the Nut Tree plan update to the to Rio Vista plan update.

Mr. Leland stated that the transferring of funds is not an available option. He stated that the grant was approved by the state, but the legislature pulled the funding at the last minute. He said that Caltrans believes the funds might be added back next fiscal year.

Chairman Vancil stated that he will work with staff and try to engage with the state about this issue. He said that the priority right now lies with the update of the Travis plan but there is also a need to update the Rio Vista and Nut Tree plans.

Item No. 10. Adjournment

Since there was no further business the meeting was adjourned.