

Solano County Airport Land Use Commission



SOLANO COUNTY

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MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION MEETING OF JANUARY 14, 2016

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

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

MEMBERS ABSENT: Commissioner Cavanagh

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

Call to Order & Roll Call

Vice-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 November 12, 2015 were approved as written.

Committee Reports

Jim Leland briefly updated the commission on the following items:

- The published Travis Land Use Compatibility Plan will be available soon and will be mailed out to the commission as soon as they arrive. The working groups will start in February on the implementation components of the plan.
- The Joint Land Use Study is now under contract and will kick off in February with an initial meeting between the consultant, a technical advisory committee, and base personnel. The kickoff will include a tour of Travis AFB.
- The Board of Supervisors is scheduled to consider a contract with the consultant for the update to the Rio Vista Land Use Compatibility Plan on January 26th. If approved, the update will begin shortly thereafter.
- The FAA continues to roll out more details about their role in the regulation of drones. Staff will be doing research on non-traditional areas of the law in which drones are regulated. Staff will meet with those such as law enforcement officials and the district attorney's office to understand

opportunities for regulation and civil penalties that might be in other areas of the law. Hopefully staff will have more information to provide to the commission at the February or March meeting.

- Two vacancies on the commission have been filled. Ruth Meyer who is present at the meeting tonight is representing District 5. The representative for District 2 has not attended his first meeting yet. District 1 should have an appointee soon.

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

1. ALUC-15-19 - Conduct a Public Hearing to consider a Consistency Determination on a proposed City of Benicia General Plan Amendment in response to the ALUC's October 2015 Update to the Travis Air Force Base Land Use Compatibility Plan (City of Benicia)

Jim Leland provided a brief presentation of staff's written report. The City of Benicia General Plan amendments are designed to bring their general plan into consistency with the Travis Plan. The Travis Plan designates all of Benicia as being within Compatibility Zone E. Mr. Leland reviewed the changes and analyzed them for consistency with the updated Plan. Staff recommended approval.

Commissioner Potter asked about the limitation on demography in the delta space for Benicia and the implications for Zone D. Mr. Leland explained that the delta space pertains to height. He said Zone D used to be the farthest outreach of the old Travis Plan and encompassed the wind turbine area. In Zone D any object over 200 feet would have to be reviewed by the commission for height. In addition, it has a prohibition against other hazards to flight such as bright flashing lights. Mr. Leland stated that there are no restrictions on land use in Zone D. He commented that the developed portion of Benicia that is within that zone is mostly industrial park. Commissioner Potter referred to Appendix J of the staff report. Mr. Leland explained that the purpose in Appendix J was to show readers of the Benicia General Plan what the Travis Plan calls for in both Compatibility Zones D & E. He said that he did not believe it contains any restrictions other than what was already represented.

Vice-Chairman DuClair opened the public hearing. Since there were speakers either for or against this matter the public hearing was closed.

A motion was made by Commissioner Baumler and seconded by Commissioner Vancil to adopt the recommended findings and determine that the City of Benicia General Plan Amendment is consistent with the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 15-19)

2. ALUC-15-20 - Conduct a Public Hearing to consider a Consistency Determination for the SolAgra Commercial Solar Use Permit with the Travis Air Force Base Land Use Compatibility Plan (County of Solano)

Jim Leland introduced the item and reviewed the staff report. SolAgra proposes to conduct agricultural research regarding the feasibility and economic viability of growing crops under solar arrays on Ryer Island. The project site is flat, without trees and bare. Elkhorn Slough is located 1.27 miles east of the subject parcel. On the west end of the property is a pear orchard. Marshes, wetlands, vernal pools or riparian vegetation do not exist on the project site. The

electrical power production will be utilized on adjacent property by Reclamation District 501. Staff recommended approval of the project.

Vice-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 Baumler and seconded by Commissioner Meyer to adopt the recommended findings and determine that the SolAgra Use Permit is consistent with the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 15-20)

3. ALUC-15-21 - Workshop to consider a Preliminary Consistency Determination for the proposed Spanos Apartment Complex with the Nut Tree Airport Land Use Compatibility Plan (City of Vacaville)

Mr. Leland explained that the Spanos Company owns lands located within the area of influence of the Nut Tree Airport within Compatibility Zone E. They are in the preliminary stages of planning for an apartment project on a portion of their property. The design of the apartment project raises a policy question which requires an interpretation by the ALUC of certain provisions of the Nut Tree Plan. Staff has recommended this workshop as a means of presenting the policy question to the commission.

The Spanos Company is proposing to construct a 261 unit apartment complex on a 10+ acre site on the northwest side of Interstate 80, between Highway 505 and Leisure Town Road. The proposed project lies within Compatibility Zone E. Mr. Leland stated that the topic of discussion revolves around clustering and number of dwelling units. When a project is less than 6 units per acre which is the density requirement, clustering is preferred. The applicant came up with a conclusion that this project at 26 units per acre probably has fewer people per acre than the typical project would have had at 18 units per acre using the 1988 plan. Staff is asking the commission what their thoughts are about using this kind of an approach to interpret the clustering policy in the Nut Tree Plan.

Commissioner Potter said that he remembered when the criteria was developed and said that when it was put into the document it was a firm decision and applicants had to comply with those conditions. He questioned if this new calculation would be a waiver to the criteria. Mr. Leland said that under planning and zoning law he would categorize it more as an exception. Commissioner Potter said he did not recall any exception allowances. He commented that if a precedent is set then other airports could seek that exception as well.

Mr. Leland said that what is proposed is a way to interpret a provision of the 1988 Nut Tree Plan. It would not be applicable to any other plan. He noted that there are other ways to attempt to accomplish this if the commission is uncomfortable with the notion of an exception or a waiver. The commission could ask staff to bring back an amendment to the Nut Tree Plan that either puts in an exception process or changes the clustering rules. Or the commission could say they are not interested in going in that direction at all. Mr. Leland stated that he believes there is merit for consideration of the fact that dwelling units per acre is not a precise way to control population per acre. In commercial development it is simply pointed out as a particular number of persons per acre.

Commissioner Meyer stated her concern is with the event of an aircraft malfunction and everyone being in one location, making the hazards and fatalities higher vs. being spread out which would mitigate the risk of individual buildings being hit.

Mr. Leland said that he believes at the time this plan was put together the operating assumption

was that it is better to have unobstructed open space where a pilot would have some degree of control to ditch the plane and not hit a structure, then to have a conventional subdivision of homes and not enough open space with length.

Vice-Chairman DuClair asked if an explanation could be made as to how the commission interprets the amount of bedrooms and amount of occupants per bedroom. He said many of the homes have 4 bedrooms but two of those rooms appear be offices. He said there could be 2 or 3 people in a 4 to 5 bedroom home. He wanted to know if it could be presented that way.

Mr. Leland said, for example, if someone wanted this project to be 18 dwelling units per acre, they would have to diminish the open space in the project to grab more land to assign to the residences. He said that would defeat the purpose of clustering to maximize the amount of open land. That is why staff is intrigued by condensing the way to deal with this either through an exception process or a small amendment to the Nut Tree Plan.

There was some discussion with regard to open space. Mr. Axelrad noted that once the developer uses the open area for clustering they cannot reuse it for another adjacent project or a project on the same property because they would have already used it in the current calculation.

Commissioner Meyer asked if the development of open space would include fencing and other such items associated with it. She said that when looking at aircraft landing in an area, fences and ball fields are still creating a hazard. Mr. Leland said that he did not believe the language in the plan is that specific.

Vice-Chairman DuClair commented with regard to soccer fields and noted that the amenities associated with them such as the goals boxes are not permanent and so there would be open land available for an emergency landing. He cited Century Park in Vacaville as an example, commenting that there 6 soccer fields and a considerable amount of open space.

Commissioner Randall said his concern is with the safety of people. He felt that clustering would be catastrophe. He felt a pilot should have as much opportunity to land the plan if an emergency were to arise, especially with the increase of activity in the area such as the soon arrival of the ICON facility. Considering this new change he felt that the commission should consider the reduction in the number of casualties rather than how much property and how many rooms.

Corbett Smith, Mead & Hunt, 133 Aviation Blvd., Suite 100, Santa Rosa provided a PowerPoint presentation of the preliminary consistency analysis which highlighted points such as compatibility criteria, airspace, noise, overflight and safety.

Vice-Chairman DuClair spoke about the use of the helipad at Kaiser Hospital. He said that the hospital is now considered an air field and it appears from this proposal that the proposed structure will be very close to where they have their medical flights. He commented that this will need to be considered at some point because more than likely as time goes on more and more medical flights will be traveling in and out of the area. Mr. Corbett said that they will definitely look into the matter.

Commissioner Vancil said that a few years ago the City of Vacaville amended their general plan and he recalled the height restriction being 50 feet.

The property owner, Tom Allen, AG Spanos, 10100 Trinity Pkwy., Stockton stated that the Vacaville Vaca Valley Business Park Policy Plan which controls the land use in that area has a height restriction of 85 feet. He commented that other office buildings already in the area such

as Genetech are taller than what the project is proposing.

In response to Commissioner Vancil, Mr. Allen indicated that they would do further research on the TERPS criteria and how it was calculated for the approach.

Vice-Chairperson DuClair said that this looks like it is going to be a nice project and the commission will review it when it comes before them.

Vice-Chairman DuClair announced that this would be Commissioner Potter's last ALUC meeting. Commissioner Vancil prepared a resolution for the commission to sign honoring Mr. Potter for his more than 13 years of service. Mr. DuClair stated that Mr. Potter was a very observant and knowledgeable commissioner and that he has learned a lot from him and that he will be sorely missed.

Adjournment

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