

**MINUTES OF THE
SOLANO COUNTY AIRPORT LAND USE COMMISSION
VIRTUAL MEETING OF OCTOBER 8, 2020**

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.

MEMBERS PRESENT: Commissioners Cook, Randall, Sagun, Vancil and Vice Chair DuClair

Via WebEx: Chairman Seiden and Commissioner Meyer

MEMBERS ABSENT: Commissioner Sarna

OTHERS PRESENT: Terry Schmidtbauer, Interim Director of Resource Management
Jim Leland, Principal Planner, Resource Management
Lori Mazzella, Deputy County Counsel;
Jamielynn Harrison, Resource Management.

Call to Order & Roll Call

Vice Chairman DuClair called the meeting to order at 7:00 p.m. and led the pledge of allegiance. Roll call was taken, and a quorum was present.

Approval of the Agenda

The agenda was approved as prepared.

Approval of the Minutes of May 14, 2020

Commissioner Cook presented a revision of the minutes under “New Business” at ¶ 1:4.

Commissioner Sagun stated that in September 2019, he was appointed to the Wildlife Hazard Committee (WHC) by then Chairman Randall. He requested the status of the committee to date.

Mr. Leland asked the current chairman and the previous chairman if they had made any changes to the committee lists. Both chairmen indicated that there were no changes. He also mentioned that the topic would be placed on the November agenda to review the ongoing purpose and member participation of the WHC and Wind Turbine Committees (WTC). The chairman would be able to address Commissioner Sagun’s request at that time.

Chairman Seiden stated that the list circulated to the commission last year listed the chairpersons and members participating in the ad hoc committees. “Those ad hoc committees exist only so long as their assigned task exists.” At the completion of the task, the committee then ceases to exist. He indicated that he will be reviewing this topic at the November meeting.

Commissioner Randall indicated that Commissioner Cook is the chairperson for the WTC and Commissioner Sarna is the chairperson for the WHC. There was mention of a possible other person listed as the chairperson for the WTC, however, Commissioner Randall confirmed that he appointed Commissioner Cook to that position.

Commissioner Cook suggested that the committees be reconstituted and asked Chairman Seiden his preference. She indicated that she would like to be a participant in the WTC either by chairing or by member.

Chairman Seiden agreed with Commissioner Cook and indicated that her expertise in air traffic control would be “good for this purpose.” He also stated that he did not think it was the appropriate time to review members of the ad hoc committees since Commission Randall’s status on the commission has not been confirmed.

Chairman Seiden suggested that since there is a meeting of the California Conservancy on October 16, 2020, it would benefit the commission to have a commissioner attend. He also said that he would review and reconstitute both ad hoc committee lists the following day.

Vice Chairman DuClair asked for a vote or confirmation from the commission. Mr. Leland informed that the appointment of committees is the exclusive prerogative of the chairman. It is not an item the commission can act upon unless the chairman places the item on an agenda.

Chairman Seiden requested a change to the minutes prepared by Commissioner Cook in that the word “chair” be revised to read “Chairman Randall.”

On a motion made by Commissioner Vancil, seconded by Commissioner Sagun, the Commission approved the amended minutes of the meeting of May 14, 2020 to include the revision from Commissioner Cook.

Approval of the Minutes of September 3, 2020

Commissioner Vancil requested that the minutes reflect a change at “Reports from Commissioners and/or Staff,” from “*attended a meeting*” to “*received an update*.” The minutes reflected that Commissioner Vancil had stated the update was in June, however, after checking the dates, Commissioner Vancil confirmed that the update was received on July 13, 2020. The minutes will reflect the change.

Commissioner Sagun indicated that he did not receive the minutes to review. Chairman Seiden stated that attachments to the agenda were too large to transmit and therefore some deliveries failed. The minutes could be accessed through the link on the agenda.

Commissioner Cook suggested that the minutes of September 3, 2020 be tabled until the next meeting in order for the commission to review.

Reports from Commissioners and/or Staff

Mr. Leland stated that he received a letter from the state addressed to the commission. Though it was not on the agenda or up for discussion or comment, Mr. Leland presented it to the commission. He said it was an example of the state purchasing or encouraging the purchase of property within the Wildlife Hazard area of an airport for the development of habitat that will attract birds. This has been an on-going problem with the state-sponsored wildlife habitats. Mr. Leland said that he would discuss this item with the chairman to possibly receive direction from the WHC regarding more aggressive attempts to discuss this issue with the state.

Vice Chairman DuClair agreed.

Items from the Public

There were no items from the public.

Old Business

Commissioner Sagun stated that there was discussion in May regarding the appropriate manner to present a concern to the commission. He mentioned the Hay Road Land Fill matter. There was, and still appears to be, differences of opinion on the proper way to present those concerns considering what is stated by the California Airport Land Use Handbook. He proposed that this topic be agendized for the next meeting. He suggested that the commission review the bylaws and resolve the discrepancies.

A motion was made by Commissioner Sagun and seconded by Commissioner Cook to agendize the discussion and resolution of proper procedures at the next meeting.

New Business

1. PUBLIC HEARING to consider a consistency determination (ALUC-20-04) for the proposed Lister Commercial Building project, wit the Travis Air Force Base Land Use Compatibility Plan (TAFBLUCP) and the Nut Tree Airport Land Use Compatibility Plan (NTALUCP). (Applicant: City of Vacaville)

The Nut Tree Plan requires that 50% of Zone B be in open space and that there are places to land a plane, if needed, specifying a size range of at least 75 x 400, 100 x 300, or areas within those ranges. Previously, the commission was presented with two warehouse applications on properties adjacent to said property which face the same issue. At the time, the approval was conditioned by having the city identify a qualifying open-space area and put limitations in place to preserve it.

The commission appointed a subcommittee of two commissioners to oversee the process. The City of Vacaville (The City) put forth a plan and the subcommittee approved the plan as being consistent with the NTALUCP. The City implemented the plan pursuant to their memorandum.

This project is at the same end-of--runway as the previous two projects, and it should meet the same requirements. Mr. Leland asked The City to engage in the services of an aviation planning consulting firm as a second opinion for the commission's consideration. Their conclusion is that it meets the need of the NTALUCP for open space for this development. On the basis of their conclusion and all the other factors considered in the staff report, we are recommending that this project is consistent with both the NTALUCP and the TAFBLUCP.

Commissioner Meyer inquired as to having an area free of trees to land an airplane. The plan that she reviewed had trees outlining the area.

Mr. Leland indicated that the open-space area does not have to be on the property where the development is located. The property does have landscaping. However, the subcommittee stated that there is a lot of concrete on the frontage roads, city streets and the freeway in Zone B at the end of the runway which is suitable for emergency landing. It is not depicted as open space on the Lister Construction Company's website, but it is adjacent and available to a pilot. The color exhibit is attached to the staff report for review.

Commissioner Meyer stated that her only concern was that given the proximity to the extended center line and Zone A, it would require maneuvering as opposed to straight ahead for that corner.

Chairman Seiden said the subcommittee consisted of Commissioners Randall and Seiden. They visited the site and physically walked the property. They reported to the commission and those previous projects were approved. If the conditions have not substantively changed, then recommendation for approval is understood.

Commissioner Vancil stated that in 2015, in reviewing the open space after the two previous projects, did the open-space calculations include the parcel that is under development now?

Mr. Leland said, "No, because it was not colored yellow" according to the exhibit. Mr. Leland indicated that the property was never in the open space. Only the yellow shaded area was considered open space.

Commissioner Vancil asked if in 2015 the area was considered a parcel for development. Mr. Leland stated that it was not since it was not colored on the exhibit.

Commissioner Vancil provided pictures of a 2017 accident in this area. The Cessna Cardinal was able to clear the Vaca Valley overpass and landed in open space beyond that field. Because there was open space, it made a safe landing and news for a day. The plane landed near new construction of houses on Epic Street. The open space definition should include the quality of the open space. Pursuant to the NTSB accident report, this particular plane lost power at 200 ft. after take-off. There was enough altitude and near speed to make it over the area in question, pass over the overpass and land north of Genentech. If it had occurred earlier, it would have had to come down in this area we are talking about tonight.

Commissioner Vancil provided other pictures for the commission.

Corbitt Smith from Meade & Hunt participated via telephone. He clarified that Meade & Hunt did not prepare the open-space graphics. They were prepared by the City of Vacaville. We did review the graphics and we pointed out that the portion in pink that is not counted as open space that is north of the interstate, the argument can be made either way if it is practical. It would have areas that would meet the size requirements as laid out within the ALUCP. Those areas could probably be included in the open space, and possibly increasing the percentage available.

Commissioner Sagun stated that he has flown extensively out of Vacaville. He was an owner of a vintage aircraft hangered at Vacaville and is currently an instructor. He mentioned that he was concerned about the area in question as it is aligned with the centerline, very close into the runway. When losing an engine in a single-engine aircraft, there is some time to maneuver and pick open space to land the aircraft. If there is a failure close to the ground, i.e. 100 ft or 200 ft., options are limited. The area close-end of the runway is extremely critical. He stated that he was quite uncomfortable approving a project which would put obstacles this close to the runway on the centerline.

Commissioner DuClair agreed and stated that it is critical that there is sufficient low altitude space. We should review the NTALUCP at some point and contact the Nut Tree staff.

Mr. Leland indicated that at the time the NTALUCP was approved, Zone A was the area to be kept free of structures of any kind which would maximize the amount of space a plane at low altitude with engine loss has to land. Zone B was a zone where structures could be approved

according to the NTALUCP. At the time it was prepared where there was more traffic leaving Nut Tree than there is today, there was no sense that Zone B you couldn't have structures. There was a sense that it ought to be low intensity development. That is why there is a 50% open-space requirement. The requirement is not that all the 50% be suitable for landing. There had to be at least some space in the 50% that met the dimensions of 75 x 400. Those are small areas on the map. In reviewing the map, 300 ft is the width of the freeway. The area between the offramp and the freeway short of the Vaca Valley overcrossing is more than sufficient to meet those criteria, and only one is needed in each Zone B, in the north and south.

Mr. Leland suggested that the commission might review the NTALUCP due to different types of traffic and new criteria in the handbook.

With respect to the handbook and the particular Airport Land Use Plan, Chairman Seiden stated that sometimes the opinions do not always "line-up" with what is allowed in the plan. As an example, when the commission approved a condominium development near the end of the runway, behind the Nut Tree Commercial Complex, the commission had mixed opinions. However, because it met the minimal requirement and was legally in compliance, the commission voted in favor of the project, respecting the requirement.

Vice Chairman DuClair opened the public hearing for anyone wishing to speak on agenda item no.1 regarding ALUC-20-04.

Rob Henley with A2R Architects representing client Chuck Lister who was also present. Mr. Henley stated that during the planning process they worked closely with the planning department, the client, the aviation consultant, Meade & Hunt and Mr. Leland from the county. He reiterated that the project meets the requirements. It is in alignment with the runway, there is no question. There are other developments in and around Mr. Lister's property that has been recently approved, built and completed successfully. Our project is a good project. Mr. Lister is triangular in shape. The lot coverage with building is approximately 13% which is very low for industrial development. The property borders Monte Vista and Highway 505. There is a large drainage channel that parallels 505. It is smaller than most industrial developments in and around the area. Our project is consistently with the ALUC.

Vice-Chairman DuClair closed the public hearing.

Commissioner Randall asked how many people will be in the commercial building. Will it be a factory-type building, or will it have occupancy?

Mr. Leland indicated that there will be a total of 45 employees for both tenants. It is low-traffic in terms of customers because it is mostly warehouse with a small display area similar to a flooring company.

Commissioner Randal asked if there was any language which will lend to the fact that the area will not be converted to office space in the future.

Mr. Leland said that the city would return to the county to evaluate at that time.

Commissioner Sagun asked if the project had been evaluated by the FAA for consistency with the precision approach to 20?

Mr. Leland said that he was unsure if the developer had filed for an obstruction violation.

Commissioner Sagun asked if the developer will be asking for determination if this project will impact the development of a precision approach to that runway.

Mr. Leland said that the airport operator has backed off the notion of a precision approach. He was told that the current thinking of the airport operator is that the next time the NTALUCP is updated, there will not be a precision approach. This will reduce the area of protection that is currently in place.

Commissioner Cook asked if the precision approach would not longer be considered. Mr. Leland confirmed.

Chairman Seiden stated that this was predicted to happen within the next revisions. The Genentech building also precluded the proper glidepath for a precision approach to that runway.

Corbin Smith of Meade & Hunt said that he noted in the project description of the application that the math was done on the air space clearances associated with what would be a precision approach. The building would fall well below that even if a precision approach was implemented.

Vice Chairman DuClair asked for roll-call. The vote was unanimous.

Adjournment

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