



Solano County
Airport Land Use Commission
675 Texas St., Suite 5500
Fairfield, California 94533-6341
www.solanocounty.com

Planning Services Division
Phone: (707) 784-6765 / Fax: (707) 784-4805

Ray Schoch
Chairman

SOLANO COUNTY AIRPORT LAND USE COMMISSION

MINUTES OF THE SPECIAL MEETING OF September 9, 2010

The special meeting of the Solano County Airport Land Use Commission was held Thursday, September 9, 2010 in the Solano County Administration Center, Board Chambers, 675 Texas St., Fairfield, CA 94533.

MEMBERS PRESENT: Chairman Schoch, Commissioners Stockard, Potter, Baldwin, Baumler, Vancil and Seiden

MEMBERS ABSENT: Commissioner Cavanagh

OTHERS PRESENT: Jim Leland, Resource Management, Lori Mazella, County Council, Diane Buschman, Resource Management,

Items 1, 2 & 3: Chairman Schoch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was present.

Item 4. Public Comment

There were no public comments.

Item 5. Approval of the Minutes

The minutes of August 12 were approved.
Commissioner Potter commented the workshop mentioned in the minutes could include other topics for discussion as well as the bylaws. The Commission agreed with Commissioner Potter's suggestion.

The following sections are verbatim.

Item 6 Land Use Compatibility Determination for ALUC-10-05, the Vaca Valley Business Park Policy Plan Amendment to permit membership organizations.

Chairman Schoch: We are now up to item six. The Land Use Compatibility Determination for the Vaca Valley Business Park Policy Plan Amendment to permit membership organizations. Staff?

Jim Leland: Thank you Mr. Chairman. I'd like to begin by describing the process we want to go thru with the Commission this evening. It's slightly different from our normal procedure. I'd like to introduce the item and discuss a few ground rules that the staff has in mind for the Commission in its hearing this evening. I'd then like to turn it over to representatives from the City of Vacaville to describe the project. And when they have completed their description and answered any questions you may have about what is the actual project we're talking about it'll come back to the ALUC staff to briefly review the analysis we did which you got in your packet. So if that format is ok with the Chair and the Commission I'll proceed.

Chairman Schoch: Please do.

Mr. Leland: You have before you tonight the request for your review of a policy plan amendment by the City of Vacaville to their Vaca Valley Business Park. A policy plan amendment is similar to a specific plan and it is analyzed in the same fashion by the ALUC and so I've given you in your staff report the criteria for doing that. It is analyzed against the 1988 Nut Tree Land Use Compatibility Plan. That is the governing document for the items on the agenda this evening. Some, ... I've had some discussion with members of the public who tried to keep straight all the different things that are going on right now with respect to the airport. So there is an airport master plan, as many of you know being worked on by the county that will go through its process and presumably ultimately be approved in some fashion and referred to the ALUC at a later date depending on what's in that plan and how you see it. It will probably trigger the need for revision to the 1988 plan. And this is kind of the world we are in, airports begin planning changes. They adopt documents laying out those changes, and then we get to change the land use plan after the fact in respect to that. So in case members of the audience are confused about items like an airport layout plan, one has been done for this airport in 2007. That is a precursor to their master planning effort that they are going to do and ultimately that will be in front of you, but it is not a document for use in evaluation of these two proposals this evening. It is a document that has import to the City of Vacaville in its own deliberations on their CEQA document and their land use entitlements later on. So, if there are any questions on those points I'll take them now otherwise I'll turn it over to the City of Vacaville staff, Trisha Shortridge, to present the specifics of the project.

Chairman Schoch: Any of the commissioners have any questions at this point? Okay, let us proceed then.

Trisha Shortridge: Good evening. Good evening Commissioners. Thank you for hearing us tonight. As Jim told you earlier, mentioned to you earlier, the

request is for a determination for consistency for the Vaca Valley Business Park Policy Plan Amendment. In summary, the project involves 11 specific parcels within the Vaca Valley Business Park policy plan area. All 11 parcels are within Zone E of the Airport Land Use Compatibility Plan. Also the Vaca Valley Business Park is zoned BP or Business Park which permits membership organizations as a conditional use. Outlined in red I have the 11 specific parcels and if you can see the pointer here I have Genentech, Kaiser and the State Plan, I'm sorry the State Compensation Insurance Fund area. This slide demonstrates how the 11 parcels are within the...are all located within the Zone E area. The parcel that is closest to the airport is over ¼ mile away or 1,500 feet. This is a slide out of the....this is a page from the Vaca Valley Business Park policy plan. This page discusses the height restrictions for buildings. The 11 parcels are generally not restricted as height except for one, a small portion of that parcel is within the sloping height restrictions. And this slide demonstrates the height for buildings. The top building which cannot reach any higher than a maximum of 263 feet which would actually have to be at approximately a 16 story building for that area. So with that, it is a short presentation. Our request is that you determine that the proposed policy plan amendment is consistent with the Nut Tree Airport Land Use Compatibility Plan and the Travis Air Force Base Land Use Compatibility Plan and with that I'll turn the presentation back over to Jim. Thank you.

Chairman Schoch: Thank you.

Mr. Leland: Thank you Mr. Chairman. So it has already been stated, this is an amendment to an existing policy plan. It adds membership organizations as a conditionally permitted use and it only applies to certain parcels within the business park, all of which are in Zone E. As I said earlier, this analysis is based on the Nut Tree Land Use Compatibility Plan from 1988. It is additionally and you are being asked additionally this evening to find it consistent with the Travis Plan. This red asterisk shows the general area where the 11 parcels are in the area of the intersection of 505 and 80, clearly in Zone E. Those are the first 4 right at the intersection and the next 7 are located northeasterly of that. In Zone E there are performance standards for residential development at 6 dwelling units per gross acre. There are no density or intensity standards for non-residential uses within that zone. And most non-residential uses are normally accepted uses. The only thing that is mentioned is outdoor activities like amphitheatres would probably not be appropriate for noise consideration in E. However, this is a map depicting the noise contours around the airport and the property lies well outside of even the 55 CNL zone so it is more impacted by Highway 80 noise.

Jim Leland: In terms of the Travis Air Force Land Use Plan this is in Compatibility Zone D, and that's airspace review for objects over 200 feet in height, that doesn't apply in this case. You need to find that the city's proposal has eliminated any direct conflicts between your Nut Tree Plan and Travis Plan and their policy plan, and the way the city does that is the way the staff actually prefers. In their general plan they say development must be

consistent with the Nut Tree plan so they incorporate the Nut Tree plan by reference and then all subsequent land use entitlements underneath the general plan are reviewed with that in mind, and they are continuing that mechanism within this policy plan amendment, and I think we laid that out in the staff report. So in summary, our recommendation is that the Commission find the Vaca Valley Business Plan Policy Plan Amendment consistent with both the 1988 Nut Tree Plan and the Travis Plan. We would be pleased to answer any questions.

Chairman Schoch: Thank you staff. Any of the Commissioners have any questions at this point?

Commissioner Vancil: Yes I have a couple questions.

Chairman Schoch: Go ahead.

Commissioner Vancil: You talked about the membership organization will have some conditional requirements. What exactly are the conditional requirements that you are talking about?

Mr. Leland: Well if this policy plan is adopted by the City of Vacaville it sets up a permitting process that requires a use permit, a conditional use permit. So I said it is conditionally permitted because they require this conditional use permit. And among other things, and they can feel free to add to this, but among other things they'll consider the height of the proposed buildings, the setbacks that are established in their policy plan, they probably have site coverage and parking requirements and so on and so forth, but they also impose the criteria from Zone E on those use permits, so when they're reviewing it they will be checking it. In this case there aren't many criterion that apply to non-residential uses.

Commissioner Vancil: Another question I have too is, are there any specific projects that are planned on this site? I understand this is a change in the policy right now, but are there any specific projects that are planned?

Mr. Leland: I am going to defer to the City, but I believe my last correspondence with them they didn't have a specific user or design in mind right now, but they are setting up this portion of that property so they have more flexibility in how it ultimately gets used.

Ms. Shortridge: Good evening again Commissioners, thank you. There are no specific projects proposed for the area right now, that would be strictly speculation, but the land use change is for the potential of projects coming forth in the future.

Commissioner Vancil: I guess another question I would have too, this is a change of policy in the business park plan, when you do have a specific

proposal that comes forward would that specific proposal come back again to the ALUC for review and approval?

Ms. Shortridge: If it is determined that there is a compatibility issue between the Nut Tree Airport Land Use Compatibility Plan and the proposal it will be brought back in front of the Airport Land Use Commission.

Chairman Schoch; O.K., Commissioner Seiden.

Commissioner Seiden: I have a couple of things I'd like to....very short from the Nut Tree Airport Compatibility Plan itself that I would like to outline briefly. Page 17, pardon me, let's start with page 15 first of the Nut Tree Airport Compatibility Plan. Under airspace protection it says "the criteria for protecting the airspace in the vicinity of the airports in Solano County shall be set in accordance with Part 77, Sub Part C of the Federal Aviation Regulations and with the United States standard for terminal instrument approach, instrument procedures, TERPS." In going then over to page 17 under policies for specific airports, Nut Tree Airport, "the compatibility map for the Nut Tree Airport shall assume a future extension of the runway by 900 feet, which we know has already been accomplished toward the northeast, and the establishment of a precision instrument approach to runway 19." When those conditions are both in there, which they are, in our approved plan, we are required to have information as to whether the proposal, the proposed change will have any conflict with TERPS. Has anyone looked into that?

Mr. Leland: We have not looked into that and I'm not sure we believe those conditions have been met.

Commissioner Seiden: Without any information on it I don't know how we can possibly know how to vote based upon unknowns with respect to TERPS.

Mr. Leland: I don't believe you have the establishment of a precision instrument approach to runway 19.

Commissioner Seiden: That's not what it says if I read correctly, it says that we assume that there will be establishment of a precision approach to runway 19, so therefore we are required to consider it.

Mr. Leland: Well I'll comment on what the history has been. And that is this. This document lays out explicit criteria that we have reviewed projects against for a long time, including the Nut Tree Ranch itself in 2002, which this commission, not all of you, but some of you, found consistent with the Airport Land Use Plan. The beginning steps of laying out precision approach started in 2007 with an airport layout plan that went to the Board of Supervisors, and at that time it was reported by the airport that the next step for them would be the adoption of a master plan which they are now working on. Until that master plan is adopted by the Board as the governing body of the airport and

referred over here it's just simply not the nexus between what this document says in reviewing projects and all of that future planning work. And that has been consistently adhered to by the ALUC including on this project in 2002.

Commissioner Seiden: I appreciate that and I understand it and I certainly understand that this was before my time on the Commission too, and I appreciate all the work that you do, our whole staff does with respect to the other aspects of this project or proposal, but it still seems to require, in my view, that we have to consider TERPS and, therefore, we have to have someone that we can refer to that can assure us that it will not interfere with the establishment of precision approach to the Nut Tree Airport. That's my interpretation.

Chairman Schoch: Thank you Commissioner Seiden. Anybody else have any questions or comments? I'm going to open it for public input. The first person I have a card on is Thomas Bucci from Vacaville.

Thomas Bucci: Thank you all very much for giving us the time for this hearing today. My name is Tom Bucci I'm the vice president of the Solano Pilot's Association. I have been a pilot for 33 years. I have an airplane that I keep at the Nut Tree. I'm very, very involved with the kids; I have personally flown almost 500 little kids for their first airplane ride out of the Nut Tree. I am also an IFR pilot, I flew in the Air Force for 8 years, and so I have a very, very important interest on what is happening here today. As far as Agenda Item No. 6 goes when we are talking about the redesignation of this land; first I really appreciate hearing about the importance of TERPS. It almost seems as if this thing goes as fast as it's moving right now what the master plan people have to say is going to be irrelevant. If this occurs right now with this timing, maybe that is the intent politically, is to get it done before the master plan is and then if they recommend the precision approach to help Vacaville develop and Solano County, it's going to be too late. If you end up getting into the airspace for that precision approach it's over, and so I really appreciate that insight that it is important and material that you have before you make this decision here. Right now probably as a pilot the safest use that you have for this area that you are thinking about re-designating is what you have right now. You have businesses, you have warehouses, you have things in which you have pretty low occupancy of life, and I can tell you that most all of the danger, and for those of you who fly and have flown for a long time, you know that everything that is 500 feet and below we have a matter of minutes before we have to make a decision. So those big warehouses and parking lots, they look much more attractive to us when we have a catastrophic engine failure off the end of runway 02 then would for example a church with 500 people in it. And I know that right now I heard that there are no plans, but I've lived in Vacaville a long time and I know a lot of people who are very excited about maybe building and putting their church there, and that's a great thing. I think that churches are so important to our community, but what I am frightened of as a pilot is I'm thinking of Sunday and I'm thinking of that Sunday school with maybe 100 kids in it and the decision to allow a different kind of occupancy in

there, and I know that it is not one of the criteria and I know that it doesn't deal with housing density, but the fact is that if you are going allow for business organizations that might have....whether it's like they talked about union halls, possibly churches, places where lots of people could congregate. What a terrible place for us to have a catastrophic problem at 200 feet above the ground, (yaw?) to the right spin an airplane right into one of those buildings. So I am very, very nervous about changing the categorization of that designation of that property that you are looking at. The other thing to think about, and I know that it deals also with TERPS, we have a couple of what we call electronic approaches into the Nut Tree and that is in the wintertime the weather is not all that great, but we have pretty good weather we can get most airplanes in and out of there. The fact is, is on all of our approaches the number, the only approach that we have to land into the wind is on runway 02 is called a circling approach. What that means is that we come out of the clouds basically over Dixon, we descend on an electronic beam, we pop out at about 600 feet above the ground and you know where we pop out of, right over this area where you are thinking of re-designating where there could be a lot of people, and then from there it's a visual maneuver in very low visibility and rain. We have to circle very close to the airport and make a right hand turn over Stars Bowling Alley over that direction there, so it does have a high impact also of where we are all going to be at one time. So for these considerations the amount of people that will be there in this designation, the increased risk that is involved here I would ask that you study this and especially the question about TERPS and I appreciate your time.

Chairman Schoch: Thank you. I have a J.D. Lynd for item 6. Hold your comments, if you can, to five minutes.

J.D. Lynd: O.K., Mr. Chairman, Commissioners, J.D. Lynd, member of the Nut Tree Airport Advisory Committee. Basically our comment on this is pretty much consistent with the last gentlemen. There is a VOR/DME alpha that comes in off the Sacramento VOR that happens to go right over the top of that area. Now I don't have with me what the minimum descent altitude is, but anybody that has flown non precision approaches know that if you do not level off at the MDA, minutes, I would say seconds, to be able to correct, a building height in that area of 200 feet might with the TERPS allow maybe 200 feet at most clearance with the current published MDA let alone any potential mistakes or even the typical altimeter setting tolerance of 75 feet. So that's our concern on Item No. 6.

Chairman Schoch: Thank you. I have Juan Carlos Cantovalla.

Juan Carlos Cantovalla: Good evening and thank you for having us. I have a slide on a PowerPoint presentation and I believe it's going to be number three. (Mr. Cantovalla passed out some documentation and began a power point presentation). That's actually a copy of the instrument approach J.D. was referring to and at the end of that line there's a triangle that shows the

end point of the approach right next to the runway right over the area that is proposed for change. The end of the approach happens at 760 feet. The problem happens when in the descent that takes place before that if the pilot doesn't level off at 760 feet and continues the descent will very much end up in that area so it is certainly an area of safety, it gets over flown by aircraft on instrument approaches in bad weather conditions so it is a great concern for the change in use. Thank you very much. Go to the next....it's ... the fourth one....that one...so you can see there that line with the arrow comes from the Sacramento VOR and where you see the numbers there in the middle of the arrow 241 that's the heading and marker is the position, the fix at 19 miles from the Sacramento VOR that is about ½ mile from the runway right in the area that is proposed for change. Thank you very much.

Chairman Schoch: You're welcome. Mr. John Foster.

John Foster: My name is John Foster and I'm a former member of this illustrious body. Can you hear me ok? I'll talk closer to the mike. (Mr. Foster provided a document to the Commissioners) I had not intended to speak on this item, what you are seeing is a document I prepared for the next item but the discussion about the precision approach is a great time to bring it up and I applaud the Commission for bringing it up. It is item four on my presentation. So I'll just cover that now, the idea of a precision approach. O.K.? What I have before you is some prepared documents on several topics and the one right now is on the precision approach obstacle flight criteria. This particular amendment, I personally don't have a problem with it because we are just changing from the current plan to the city membership organizations here... In my opinion it's probably o.k. but there should be a contingency to say "O.K. this is consistent with the Nut Tree Airport Plan if the Nut Tree Airport Plan is consistent with the land use plan by doing a TERPS study to see if a precision approach obstacle criteria is met." That is the way I would look at it personally. I don't see this as a huge change until I started hearing about the throngs of people and all that. That is a risk assessment that could probably (not intelligible). So the most important thing is the precision approach. So I will briefly go through a couple of supporting documents and I'm glad that J.D. Lynd brought up some of the history because I was here when these things happened in 2002 and 2007.

I'll call your attention to page 16 of my little document here. We had a workshop in May of 2007 with this Land Use Commission. I'll call your attention to page 17, I'm sorry, that's where Fred Buderer from Vacaville stated that when he was asked if there was.. if there was still a commitment from the City of Vacaville that there would be no development that would prohibit of application of a precision approach system. And the answer was that the City was moving an imaginary flight time overlay which allows a precision instrument approach as a guideline for land use plans in the Nut Tree project. Where is it? Let's see it. That is exactly what the Commission is asking for. The next ..., I guess you don't have my other page. It's missing from this one but...Here it is...page 18, is a letter from yours truly back when I was the Chair as the outcome of that workshop. Thanking Vacaville for having us and

talking. And what I said in the middle there ... and this was an ALUC coordinated letter, it said "We would like Vacaville, we think it's a good idea to ensure a precision approach obstacle clearance criteria for the Nut Tree Airport including, the theme of the workshop is having a three dimensional depiction of the obstacle clearance needed to ensure precision approaches to the airport". Had a workshop, had a letter. This letter is dated August 9, 2007. And according to that workshop and the outcome and the warm feelings that we all had, you should see a document that says a precision approach is feasible, where the obstacle clearance criteria sits, what the obstacle heights are and ... Fred Buderer said they would do it. That is what he said. O.K. That is in the minutes. That is not something I made up. And where that aligns with this ... and I prefer to get this into the next agenda item personally but I believe that if you say this is consistent with the Nut Tree Airport Plan but that is found inconsistent if you do a precision approach study then it's kind of ... You would have to get your attorney to figure out if that is o.k. or not or just say need more study. And let's see if the Nut Tree Airport meets the obstacle criteria before we change this and allow more people and maybe more restrictions on these parcels. That covers the precision approach comments that I wanted to make. The conclusion is I think the ALUC, as I state on the first page, should ask to see authoritative data showing precisely how the obstacle clearance criteria for precision approach can be met. The date should then be used to place limitations – height, distance etc...on development. And again I believe that is a commitment we got from Vacaville. It's been languishing for three years and it's in the Land Use Plan. Thank you for reading that. I had forgotten about that. I had been away from this committee for awhile and I knew there something in there about a precision approach; that's why I'm here tonight. And I believe that is the crux of the consistency determination as I see it.

Chairman Schoch: Thank you Mr. Foster. That takes care of all the cards I have. I will close the public comment portion. Staff do you have any elaboration on the comments?

Mr. Leland: In brief I do. If I may Mr. Chairman, the workshop that was mentioned was not a proceeding to amend the official land use compatibility plan. So it remains unamended. There is a distinction to be drawn between what applicants may voluntarily agree to do and what you can require them to do. For example, we worked very hard last year to create an atmosphere of voluntary cooperation between the wind turbine developers, the Air Force and the County which led to a series of agreements not in the Travis Plan. But as long as everyone is agreeing and abiding by them it works. In the case that we have in front of us this evening, the staff is presenting to you what an analysis based on the legal instrument that the Commission is to uphold. Consideration of the precision, I forgot the exact term for it, that trapezoidal area off the end of the runways is not one of the criteria in the Plan. And it is not one that has been imposed on development that has come before the Commission over the years. I would offer also this observation that if this were a new development in an area with no entitlements in Vacaville it would

be a different horse I believe. Right now, today, a big box can locate on these properties that is open 7 days a week, from morning to late evening. It could be an IKEA as an example. That is allowed by right on these parcels. So they are just adding another use that is no more intense to what can be built right now. All on their commercial, general uses can be built on these properties right now. I think the Commission might want to take that into consideration on this item. Can I answer any other questions?

Chairman Schoch: Does the Commission have any questions for staff?
Commissioner Seiden.

Commissioner Seiden: No. I'm sorry, it's not a question for staff, just comment. I would like to point out that I have no difficulty with changing the designation to a membership organization per say, it seems completely compatible with most aspects of the Nut Tree Airport Land Use Compatibility Plan. Likewise, I have some 20 thousand hours of flying time and 37 years in the air. And I have made this particular VOR (not intelligible) approach to the runway at the Nut Tree many times. And through my professional flying we come down and descend over very populated areas many times. We don't do non-precision approaches that often any more. Everything is moving toward precision approaches for safety reasons. But none the less there are many of these approaches with a lot of dense populations underneath the approach course. So I have no problem with that part of it either. Even though yes, you're right it does come from that direction. Economically I'm very in favor of projects moving forward through the City of Vacaville and through the County of Solano. So again I would love to support it, but what I do see in the Airport Land Use Compatibility Plan is a conflict. And a conflict that I won't be able to vote positively on so I would suggest, Mr. Chairman, that we entertain possibly a motion to table this to a future meeting.

Chairman Schoch: Thank you, Commissioner Seiden. Any other comments?

Commissioner Seiden: This is with the idea by the way that a TERPS study be done.

Chairman Schoch: O.K. Yes?

Commissioner Vancil: I would like to make a comment too. I agree with Commissioner Seiden's concerns. That was an approach, I believe, that hasn't been installed because in the past we've used instrument landings..., which are quite expensive to install. But the FAA is moving towards a GPS precision approach which is much cheaper. It is what is required onboard the capability aircraft to fly the approach. And I very much agree in the future that there could be a precision approach flown into the Nut Tree Airport. And I believe it has languished on the back burner in the past because we haven't had an expensive instrument landing system installed, but I do think it is a very ... a potential future to have a precision approach for the Nut Tree Airport and I think that is useful to the viability of the airport itself. And second

as far as non precision approaches, when they do circling approaches they do let that obstacle criteria that go out quite a ways away from the runway. So I think in this case you need to make sure that even the non-precision approaches do have adequate TERPS criteria connected from the projects on this site.

Chairman Schoch: Thank you. Any other comments? I'll entertain a motion.

Commissioner Seiden: Mr. Chairman, I would make a motion that we table this item until a future meeting at which time we would have information on a correct TERPS study to assure that it is in compliance.

Mr. Leland: Mr. Chairman, I feel compelled to interrupt the Commission to offer some information. State law requires that you take action within 60 days from when the application was made. It was made in July. If action is not taken by the Commission the project is deemed to have been found consistent by operation of law.

Chairman Schoch: Question? Go ahead.

Commissioner Seiden: Does that include for making provision for the fact that we have considered it this evening and we find that we need more information? Is there an allowance for that with an extension of the 60 days?

Mr. Leland: I don't believe there is.

Ms. Mazzella (county counsel): You have to take action, so you have to make the finding within 60 days.

Commissioner Seiden: And does that finding have to be either yea or nea or can it be to postpone?

Ms. Mazzella: The former, yes, it has to be consistent or inconsistent. And if it's consistent or inconsistent ..., there would need to be findings made today or within the sixty day period.

Chairman Schoch: We have a motion on the floor.....we have a motion but no second.

Commissioner Baumler: A motion but no second. It just dies.

Chairman Schoch: So does anyone want to try another motion? That one is dead lacking a second. Did you want to make a comment?

Commissioner Vancil: I would like to make a motion that we find this proposal inconsistent with the land use plan due to lack of TERPS criteria. And that if TERPS criteria is done later on they could resubmit the plan but I would like to find at this time that it is inconsistent with the land use plan.

Chairman Schoch: We have a motion on the floor. Do I hear a second?

Commissioner Baldwin: Second.

Chairman Schoch: It has been moved and seconded. We will open for further discussion among the Commissioners. Any further discussion?

Commissioner Baumler: I would like to ask Jim (Leland) if the Commission voting an inconsistency, what is the next step?

Mr. Leland: One option available to the City is to proceed to their city council with an override. And that override vote would be governed by state law which requires that they propose their findings for an override to the Department of Aeronautics ahead of time and then they conduct a hearing on that. Much as happened recently in Suisun City. They can proceed on that basis or they can choose to come back to the Commission with different information. It is really their choice at that point.

Commissioner Seiden: Comment, Mr. Chairman please? This is not the course of action that I would have liked to have taken. It would have been far desirable to have the information we need to make the vote with confidence. But it strikes me that according the Airport Land Use Compatibility Plan for the Nut Tree Airport we simply have not the information in front of us.

Chairman Schoch: Thank you. Any other questions? I'll call for the vote then.

Diane Buschman: Commissioner Stockard?

Commissioner Stockard: Aye

Diane Buschman: Commissioner Potter

Commissioner Potter: Aye

Diane Buschman: Commissioner Baldwin

Commissioner Baldwin: Would you explain to me, if it's insistent? Yes

Diane Buschman: Commissioner Baumler

Commissioner Baumler: I Abstain

Diane Buschman: Commissioner Seiden

Commissioner Seiden: Aye

Diane Buschman: Commissioner Vancil

Commissioner Vancil: Aye

Diane Buschman: Chairman Schoch

Chairman Schoch: Aye

Chairman Schoch: Six (with one abstention) is declaring inconsistent.

- Item 7. Land Use Compatibility Determination for ALUC 10-06, the Nut Tree Ranch Policy Plan Amendment and Planned Development Master Plan modifying the location of certain uses and modifying the types of uses allowed.

Chairman Schoch: Moving on to the next item which is item 7 on the agenda. This is the Land Use Compatibility Determination for the Nut Tree Ranch Policy Plan Amendment and Planned Development Master Plan modifying the location of certain uses and modifying the types of uses allowed. Staff do you want to elaborate on this?

Mr. Leland: Yes Mr. Chairman, thank you. This again is a policy plan amendment, just like the last one, for the Nut Tree Ranch that was before the Commission in 2002. The decision before the Commission is whether or not it is consistent with both the Nut Tree Land Use Compatibility Plan and the Travis ABF Land Use Compatibility Plan. And again as with the last item I have, the City of Vacaville is present to make a presentation about the project itself and then the staff afterwards will go thru our analysis.

Chairman Schoch: O.K. Thank you. Vacaville you may proceed.

Mr. Fred Buderer: Thank you very much. I'm Fred Buderer with the City of Vacaville's Planning Division. The project that we are presenting to you this evening is an amendment to an existing approved policy plan for the Nut Tree Ranch development area in Vacaville. The project includes amendments to the adopted master land use layout for the Nut Tree project, the policy plan itself and associated actions such as a development agreement between the city's redevelopment agency and the developers. I'm going to describe the project briefly and tell you some of the background. We do have representatives for the primary developer Westrust who will present to you some of the depictions of the land use plan and the proposed alterations to the plan. The approved policy plan was adopted in 2002. It allows for a mixed use development project within a core Nut Tree area including up to 580 dwelling units and approximately 640,000 square feet of office development and large commercial areas such as the retail areas that you see out there now. And the two hotels were approved with the original development. The zoning policy plan and general development program were found consistent with the Airport Land Use Compatibility Plan in June of 2002 including our method of calculating the residential density that would be applied to the overall policy plan area and the noise compatibility guidelines. Following this action the City of Vacaville certified an EIR, approved the policy plan, zoning and general plan amendments and a disposition and development agreement to proceed with the sale of the development parcels to the development interests. The amendments ...and the City has proceeded, of course, as you have seen to carry out the development program since 2002, with the first phase being built as primarily retail. There is also office, a family amusement park and plaza area where the train has been reinstalled. The amendments for which the City is seeking a finding consistency from this Commission include amendments to the specific locations of development within the approved residential and commercial development areas. Revisions to these specific locations of uses within that development area; this is the area in the vicinity where you see the existing new retail development and then going

back behind there all the way back to the airport property line. Addition of land that was formerly occupied by the multi-use stadium that was out there, recently demolished. And that land will be added into the development program that was previously approved. And addition of a few uses to the policy plan that were not designated with the original approval. The overall development program that is proposed is a..., is less in terms of it's development intensity than what was reviewed by this Commission and adopted by the City in the original policy plan. And we will have some details that will describe these specific changes to you in the presentation. The proposed amendments will not move the location of the approved residential overlay zoning that was applied in 2002 to the property any closer to the airport. We have had that comment made to us during our initial reviews of the project. And I wanted to mention that to the Commissioners. It will not remove any of the designated open land that is designated to the north of the airport runway as the Centennial Park area but at the time also included a very large business park development area that was up at the southern end of the Allison Court Industrial area where a couple of hundred acres of business park land that were incorporated into the open space zoning for the policy plan. And that will remain in place. And will not alter the existing adopted airport land use restrictions that were incorporated into the policy plan at the time of the review including some additional requirements in addition to those that Jim mentioned that we incorporate by reference into our policy plans. In particular specific design restrictions on any golf course designs and other recreational features that might be added in the open land areas because there was a concern at that time about the potential for constructing features that would attract wildlife to the area and or allow for larger concentrations of persons out in the open space areas during recreational events. All of those items will remain in place and have not been altered in the policy plan. The City has certified the EIR for the development of the Nut Tree Ranch project. This is a program EIR that analyzed the build out at the maximum development potential that I described earlier. The City, following the procedure outlined in CEQA for a program EIR then analyzes each subsequent phase of the project to determine whether those impacts are addressed adequately by the EIR. In this case we have conducted an initial study under CEQA and determined that the proposed amendments would have a less than significant impact on the environment; incorporating all the mitigation measures that were required with the adoption of the EIR and a few additional ones that were suggested during the public comment time. And I think are referenced in the documentation that was submitted with the application before you. The parties to the development include the City of Vacaville's Housing and Redevelopment Agency, the Westrust Development Group and CT Realty, the owners of the former stadium property. Representatives of each party are here this evening and following my comments we have intended to show a more detailed depiction of the land use layout. And it looks like we're working on that right now.

Commissioner Potter: While they are putting that together I've got a question for you. In short, activation of this revision or this amendment, is it precipitated

by the redevelopment group in the City of Vacaville reassigning the stadium area as available for this project? Is that essentially what has happened here?

Mr. Buder: That, I would say would be the largest physical area affected, otherwise there are boundaries of specific development, specific uses within the already approved development area that would be altered a little bit to adjust for that. So for example the Cities proposed hotel and conference center would be relocated from its original location over to the site where the stadium was taken out and then the uses that were previously planned for where the hotel was would be altered to incorporate that area.

With that I would like to introduce Rick Capretta from Westrust, he will run through the presentation for the Commission. Thank you.

Ricardo Capretta: Thank you very much Commission, my name is Ricardo Capretta, I'm one of the owners of the Nut Tree. And I will give you about a seven or eight minute presentation on what we are planning to do out at the Nut Tree. My colleague, Eric Halterman, is here and is going to cover a couple of sections and I'm going to say "next slide" as we go thru this. And if there is anything already (not intelligible) from Mr. Leland I'll skip it. So the first thing I want to review, this is basically a summary of everything we have reviewed. This is a pretty critical picture of what is going on. Basically in 2002 we completed a full blown EIR for this site. It was adopted, it was approved it was allowing up to 580 units of residential on the project. There was a prior master developer on this property that came into the picture in 2003 called Nut Tree Associates. In 2008 with the economic downturn the master developer of the Nut Tree defaulted on several obligations and Westrust, the company I own came in and became the new and second master developer of the Nut Tree on July 1, 2009. Basically since that time we've been moving expeditiously to try and resolve several of the issues in the master plan and what we're proposing tonight is basically an amendment to our policy plan which has a reduction of development as well as density in several portions of the project. So what we're trying to accomplish in a quick nut shell is, our requests are four fold. Basically we are taking several of our existing pieces within the site which are the retail, residential, hotel and convention center uses and we are moving them around. As we are moving them around we are actually reducing density on the residential piece. We are reducing density on the hotel and convention center piece. And we're also reducing height on the hotel piece which used to be a six storey hotel which is now proposed at four storeys. The second issue is there are currently approved for 580 units; we are coming in tonight and reduced that by about 55% down to 270 units. People ask why. The reason being is the project is about 40% developed. We know how the project is going to be finalized and we don't need 580 units in our master plan any longer. The third issue is that we are coming to ask for two alternate low density uses that would go onto the office and residential parcels. Those are RV and solar. We will talk more about them later. And the fourth issue is we are looking for definition of the uses that are going to go onto the stadium ballpark site that previously sat 3500 persons. You're all familiar

with the core areas. Our policy plan amendments affects the A,B and C areas on this map but is part of the overall policy plan that affects all of the parcels including the B areas. This is a superimposition of our master plan onto the aerial to show in relation to the airport. This is our new 2010 master plan that will go into more detail in the next section. So what I'm going to do now is I'd like to compare the approved 2004 master plan vs what we are amending for 2010. So this was the original 2004 master plan and that retail center shown in the bright orange basically got built pretty close, I'd say about 98% close to what exists. There is a bocce court in the middle of the development on the right side that is now Nut Tree Plaza where we feature the Nut Tree Train Carousel. The density on the freeway commercial is the same. There is a vineyard in the middle now. What we are going to be doing is moving that vineyard and I'll go over that in a few minutes. There was a 3.5 acre amusement park which closed on December 30th, 2008 and we're repositioning as an event center. And there was about an 11 acre residential site, those yellow buildings right above our retail project that actually curved around the side of the Best Buy building. In the back we had one storey office buildings that is unchanged. We are still planning one storey office buildings as the primary use. And then over that odd shaped parcel to the right is zoned for residential or office or even retail. And it has been improved partially as a parking lot at this time. This is our 2010 master plan, so you can see the purple building which is Nut Tree phase one retail; it remained 98-99% similar to what we planned in 2004. The freeway commercial piece which is retail phase three, we have eliminated the vineyard and we have moved that open space into a view corridor that's directly in front of Nut Tree Plaza which we consider to be the heart of our project. Nut Tree Plaza which is right there, over to the center right, is now our small 1.78 acre amusement park that used to be an eight court bocce park. Behind our retail center Harbison Event center, we're working closely with the museum as I said to convert the old family park into an event center. The residential we've actually similar in size, we'll show you we've clipped off the lower left dog leg and we have added retail which would be due west of the Best Buy building. And we have contained our residential all in that area there. The office above as I told you is one storey office, unchanged. You see those twelve buildings, there's three more buildings there which are also one storey, flex office buildings. There is a 50,000 square foot fitness center and then next to that in the light blue buildings there is the new 13 acre city site for a hotel and convention center and that site on the previous plan used to be about eight acres with the same exact density and taller buildings. This is an overview, I'm not going to read all of this, I think the most critical thing here is we are reducing the residential development on this property from 580 to 270. We have actually worked closely with the airport folks. We are very pro airport and connecting with the airport we've rebuilt the bridge at our expense to make it easier for pilots to get to the Nut Tree. And also the original plan which is 78 acres, we have now added the baseball stadium to that total so we have an amended plan of 95 acres. Basically the additional 17 acres I just referred to from 78 to 95 is the light yellow above. This is the old historic connection to the airport from the Nut Tree that we've gone and rebuilt the bridge, the railings, and

some structural support. We did that preceding the Mustang Wings and Wheel event last year at Labor Day. We did that at our own cost and as a gesture to start the reconnection of the Nut Tree to the airport. I referred to this earlier, basically we took that dog leg of residential that was to the west of Best Buy and we shifted that piece over to where the city hotel site used to be which would be due east of the residential site. On the back portion of the office buildings, one storey office buildings, one idea we have been looking at in an effort to be more environmentally sound as well as looking at a use that is low density as well as appropriate in these economic times to develop a solar farm on approximately 10-12 acres. We have also had some inquiries to do a recreational vehicle resort. Think the Nut Tree's legend and history as being a famous road stop that an RV resort would tie in well with that, with that theme. And I referred to this earlier but basically that odd shaped, almost hour-glass site was the old hotel and convention center site; now being expanded significantly over 50% larger, same exact footage, four storey buildings instead of a six storey buildings. So the summary is our 2000 plan has less development than the approved 2004 master plan and in our EIR provided for more allowable development than what is being proposed in our 2010 Nut Tree Master Plan. The airport land plan, I think Mr. Leland covered this well and we can slide through it pretty quick. This is the plan that we've been working with to adopt the plan that Mr. Leland spoke about that we have been coordinating with. I think this was also covered about the zone A, C and E. We're not asking, or never have asked for any buildings in zone A. In zone C where the height limits start to step up we're primarily going to be doing one storey buildings and in zone C we're looking at those uses, I'm sorry in zone E we're looking at all the uses from zone C in addition to our residential (not intelligible) units. And this depicts the, ...we superimposed this on to our site plan for your benefit where you can see zone A. And you can see there is no buildings, I always say north but I believe that's west of the zone A line. The zone C line will be primarily one storey buildings. We are also looking at the solar farm. And then zone E is where the residential everything else on our project is located. And I think I have said this before, our policy, our 2010 policy plan is consistent in our opinion with the previously approved policy plan. I'm going to switch steps here or places with Eric. His is just going to go over a few of the comments on the responses we received from several people on the mitigated negative dec.

Eric Halterman: O.K. thank you. My name is Eric Halterman at Westrust. We talked about ... As Fred mentioned there is a mitigated negative dec. We received,...the City received five letters, two from government officials, three from the public related to the uses that we're proposing. The five issues that were addressed in those letters relate to the density, noise, potential optimum uses of the RV and solar farm, potential for wildlife strikes and building heights. The first thing we're going to talk about is residential density. We are looking for up to 270 units on 15.4 acres on this site as depicted in the areas A and B for a density of 18 units per acre. A little bit of a history back in 2002 before the 2002 Nut Tree Ranch policy plan was adopted there were two large areas controlled by the City of Vacaville shown there in green which

would have permitted per the City and per the ALUC up to six units per acre. As part of the 2002 Nut Tree Ranch policy plan the City gave up the option to do the residential in that area in the north in consideration of gaining density in the southern portion down, up to 580 units. Subsequent to that we've come back with a new plan and we are looking for putting residential in just two locations for up to 270 units. The second issue we talked about is the noise. Per the 2002 EIR we have the 1993 Nut Tree Master Plan flight contours that we superimposed on there. You can see the figure there on the left, those numbers consequentially were ... we put a table in there showing that these are forward looking noise contours that look over 20-25 years. The 1993 numbers are based on flights of 120,000 per year, with projections in 2011 of 180 (thousand?). I understand that there is some recent a recent study done in 2011 showing the current flight numbers...that are 101,000 were projections in 2030 of up to 127,000. Here is a, ... what we did is we took and blew up that section showing where the 60 CNEL contour is. It is a brown line there. Had Phillippi Engineering, our civil engineer, take that and superimpose it onto our site plan. And what you see there is the red line is the 60 CNEL (not intelligible) noise equivalent level and it is north or to the,...all residential is outside of the 60 CNEL contour. Two optional uses we are looking at are RV and solar. Solar, as you probably saw the picture is non-glare, relatively low, up to 12 feet off the ground panels; part of that that would be requiring us to remove all the eucalyptus trees that abut up to the airport. Similarly you have the recreational vehicle option that would be placed in zone C and E. Also this would require the removal of all the eucalyptus trees and up to 200 slips? (not intelligible). The other issue we talked about that was brought up in the letters was the potential for wildlife strikes. There is an aerial view showing all the large eucalyptus trees on the northern portion of the project. Here is an aerial of that same picture looking straight down with the yellow line showing our northern site plan, northern property line. All the projects in development or planning here would require the removal of all these trees. So related to wildlife strikes we would need to move the eucalyptus trees. I think that is going to cut down on the potential for wildlife strikes. The 2002 EIR does have mitigation measures that would require us to look at the effects of removing the trees as well as how that might affect the existing wildlife. And within the 2002 EIR there is also mitigation measures that require any golf course development to evaluate any wildlife impacts of their design on the airport which is located north. Building heights, the last issue we looked at related to the letters. We took this based on what we required the FAA FAR77 clearance requirements and we superimposed those on the site. We don't know exactly where the locations the buildings are right now. We do know the topography of the site as part of one of our conditions any application that we submit we would have to show the proposed building height and make sure that it's within the contours depicted there. So in summary, we have looked at the five issues that the City of Vacaville received in response for our initial study and we're in compliance with all these issues. And our proposed 2000 policy plan amendment is (not intelligible) of all square footage environmental impacts as compared to the 2002 policy plan, further we are not asking for any variances from the City or the ALUC. Lastly the benefits to the airport – I

think we have come up with a great design that is going to allow...that's going to bring back the fly-ins. It's going to dramatically reduce the number of residential units permitted on the site from 580, well from 2000 back in 2002 down to 270 today. All of our plans require the removal of all the trees along the back. And then lastly we're going to be bringing you the hotel-conference center closer to the airport. And lastly we're just seeking your recommendation,... consistent with what the Solano County ALUC principal engineer came up with. Thank you. Any questions?

Chairman Schoch: Commissioners are there any further questions?

Commissioner Potter: In your presentation of the RV resort. Do you interpret that to be in effect, wouldn't you consider that being residential in that most of the resort places will always be filled and often times RV parks become semi-permanent. Wouldn't that be residential?

Mr. Buderer: I may be able to answer that. In this case the policy plan has been written to not allow stays for longer than 30 days. So a slip could not be occupied by a person or a person could not stay in the resort for longer than a 30 day period. And the reason for that was, one the intent was not to create a residential RV park kind of environment. This is a resort, traveling resort type of use much similar to a motel type of situation. So from the City's perspective the use is considered like a transient lodging type of use which is an allowable use in zone C and E.

Commissioner Potter: I guess that is not my point. In effect you still have a potential occupancy of 100% or 90% no matter if they do have a limit of 30 days.

Mr. Buderer: Well, I think in that case our belief is that from the land use compatibility perspective that was where our requirement in the policy plan that this not be allowed to become a residential location, would categorize it more as a land use, that is the transient lodging not a residential type use. So for example on the original master plan approval we had two hotels that would be the same kind of a use. A use considered transient lodging, not the same as a residential apartment or residential complex.

Chairman Schoch: Any other questions? Go ahead.

Commissioner Vancil: I have a couple of questions too. The fitness center complex, I'm looking at the map here, it looks like they have a two storey building that's part of area C. Do you know what that is?

Fred Buderer: That's correct on that master plan. That was a comment we received on the public circulation of our mitigated negative declaration. We've responded to that comment to say that we'll correct that particular item to, we'll take that and designate that as it should be as a one storey. So any use in the zone C is required by the policy plan to follow the one storey limitation

that's coming from the airport land use compatibility plan. So that particular oversight on our part is corrected.

Commissioner Vancil: O.K. What would that building be used for? Is that part of the fitness center? No that is a building, what's called a flex office use. It is a type of use that could include office but also is designed to almost be light industrial in it's use or some uses that would have a need for a workshop space in the back and that may be accessible by a roll up door but add a more office front where the company works out of.

Commissioner Vancil: O.K. I guess all these buildings in area C over there would have to abide by the occupancy levels of 50 or no more than 50 people per acre inside and 75 people outside.

Mr. Buderer: That is correct.

Commissioner Vancil: The fitness center itself looks like it's outside of that zone in the way it is set up.

Mr. Buderer: That is correct.

Commissioner Vancil: A question about the hotel itself. You talked about a four storey hotel. Are there actually specific plans to build the hotel? Has the actual permit been, has someone applied for a permit to build the hotel and convention center?

Mr. Buderer: At this time the City has not gone out to obtain a development contract with the developer to build the hotel. So we've developed this as a preliminary plan to see whether it is feasible to fit the facility on there and determine what size and location we'd need in order to fit the facility there. So there is no specific application in that for somebody to actually construct it.

Commissioner Vancil: I realize you have to make plans before you, it's sort of applicable of the cart before the horse and you have to have one before the other. And most of the groundwork and then hope somebody comes or someone makes a proposal. The offices I've noticed, they're all in zone C. It looks like the (not intelligible) lines going thru so you've got the same issue about this 75 people per acre outside, 50 in. But they are built up, it looks like, right next to the zone A, which is the runway clear zone. Looking at the map I can't tell exactly how close it is but it looks like it's (not intelligible) inches from the, ...In fact the parking spots for those buildings are in the A zone and the runway clear zone it looks like.

Mr. Buderer: That's correct. So the parking areas would be oriented toward the zone A which does not allow structures and the buildings, I believe there would be a slight set back from that zone A and C boundary because the increasing height limit is still, I think just a little bit shy of a one storey building

at that edge. And you need to come back a short distance before you reach a height that is feasible for a building.

Commissioner Vancil: I saw a map that showed the noise patterns for the area, for the offices and also for the residences. It looked like about, in the map I saw with the 2010 noise profile, that about half the offices exceed the 65 CNEL. And about half of the residences exceed the 60 CNEL level on the map that I saw. And as a result it looked like they were trying to take some mitigation measures to keep those in compliance with requirements for extra insulation and so forth. I guess it's kind of a comment that I'd ask at this point or just throw out. You do mitigation because you have a special project you want for some reason to try to put that there. In this case we're talking about flex office space and residential housing. Is there any particular reason why they chose those two things on this site? There are obviously other places in Vacaville where you could put residential housing and offices.

Mr. Buder: I can maybe answer in some of the generalities, I think representatives from all of the development parties are here and they could maybe go into some of the specific feasibility discussions on the specific uses but the City's original desire was to create a mixed use project in the Nut Tree core area so it would incorporate a wide variety of land uses that were seen as compatible. They would work well together. They would provide employment, recreation, entertainment, retail uses in close proximity to each other as well as in a convenient location citywide and adjacent to the highway. And in addition to proximity to the airport. So the overall planning process started from that perspective that we wanted to create a very viable mixture of uses within this planning area. The specific locations then, we begin to work with the puzzle pieces of where you can fit each of these within the site. Taking into account the constraints such as height limits or noise standards. So through that process it's really how it developed the land use layout you see now. After the initial phases were constructed it allowed, as Mr. Capretta was saying, so more fine tuned planning to figure out exactly where we can build out the remainder of the property. Does that answer your questions? So those particular uses, you know for example, the flex office space that is a use that does not necessarily require high traffic roadway visibility so that the location back there actually works, I think from a perspective of land use very well. The residential use, again that you know is in a very central location on the site. It's convenient and accessible to a wide variety of use such as adjacent employment, adjacent retail, the restaurant complexes that are built throughout the site. So it contains pedestrian connections that will allow people who reside there to walk through to both the office parks, the retail areas and the restaurant areas. You know, through that kind of a process the master plan has evolved to what you see here today.

Chairman Schoch: Any other questions from the Commission?

Commissioner Seiden: Yes, Mr. Chairman. At his request I met with Mr. Capretta and we had a very cordial meeting, a very informative meeting in which he outlined the plans that are in mind and the efforts that he has made to make sure that the old Nut Tree flavor is maintained. In fact in some ways enhanced certainly over what it was previously in recent times. And I certainly laud their efforts for that and am greatly in favor of it. My concern goes to just historically having a lot of experience with building around residential around airports. And certainly we have aviation easements and over flight easements that will apply; makes me shudder a little however to think how people might react in the long term. But if it complies with the requirements then I have no problem with that as far as our requirement to see it and approve it. I think the movement of the hotel and convention center to its proposed location is very good and outstanding. Most of this appears to be quite beneficial to the community. My concern unfortunately is the same wrench that I threw in the first proposal this evening. And that is the question as to whether or not TERPS has been considered. In doing so, I frankly feel quite bad about throwing a wrench into it. Its, it would be my desire to see this move forward quickly even for the benefit of the community and the developers efforts and so on. Yet we have certain requirements we're required to review and we do not have that information to my knowledge. So the effort here would be to try to attain that information, come back with the complete information that we would need in order to say "sure, everything looks great and we can therefore say it is compliant". Without it we don't have the ability to do that.

Speaker not identified (Eric Halterman?): Commissioner, are you referring to the language on page 15 of the ALUC plan?

Commissioner Seiden: 15 and 17, yes sir.

Speaker not identified: Eric walk that over please. I just want to review that a little more carefully because my instinct tells me it has been considered. But I'm not 100% sure and I might add to that Mr. Capretta is pilot and quite an experienced one and is very strongly in favor of aviation so he wants this to work for a lot of reasons. So we're referring to the paragraph on page 15 under airspace protection?

Commissioner Seiden: Yes

Speaker not identified: The first paragraph?

Commissioner Seiden: Yes

Speaker not identified (Rick Capretta?): The statement that seems to be the governing statement to me is that the TERPS height limitations will become applicable at an airport when an instrument approach has been designed for that airport. At this time there is not an instrument approach designed for this airport so I don't think we have an issue with this paragraph. That's my interpretation of how I read this paragraph. And to me that is the operative

statement. I think that there is definitely and I understand TERPS very well and appreciate you mentioning it as a pilot and I study these issues significantly. But I do not think this applies at this time because there is not an instrument approach designed for this airport at this time. And I also think this paragraph is consistent with the explanation of what Mr. Leland has been explaining about the nexus to the current adopted plan.

Commissioner Seiden: I see where you might come to that, draw that conclusion from it however if you tie it page 17 under the Nut Tree airport specifically it does say the compatibility map for the Nut Tree airport shall assume future extension of the runway and the establishment of a precision instrument approach. Which to me says that we have to consider that.

Speaker not identified: True but that paragraph in particular, we're at the other end of the runway and this is for the instrument approach and obviously that's runway 20, not runway 19. And so that paragraph would not apply to our property, in my opinion.

Commissioner Seiden: Well TERPS of course has approaches and missed approaches and so forth all under consideration.

Speaker not identified: Sure, and it's my understanding that an approach to runway two which is adjacent to our site is not possible because of geographic features.

Commissioner Seiden: I agree that's likely.

Speaker not identified: I would contend that that paragraph does not apply to us and I know the airport has purchased the right-of-way to extend the runway and I applaud that decision. I think it is an intelligent decision, but I don't think the establishment of an instrument approach at that end of the runway affects our development master plan in any way.

Chairman Schoch: Any other questions before we go to public comment?
Staff do you have any comments?

Mr. Leland: Thank you Mr. Chairman. I'll be brief. We presented an analysis to the Commission in our staff report of the compatibility of the project with the Nut Tree Plan. We conducted the same type of analysis that was done in 2002 when the Commission found the Nut Tree Ranch Plan consistent. And as with the prior item we did not consider the precision approach factors since they don't exist right now at the airport and haven't been approved by the airport owner; haven't gone thru the mandated master planning process. So we have served up to you a recommendation from the staff that the development as described is consistent. But again we have not considered the factors that you asked to be considered in the last item.

Chairman Schoch: Thank you.

Commissioner Potter: I'd like to ask a question of Commissioner Seiden.

Chairman Schoch: Seiden, yes.

Commissioner Potter: On item number 6 you made a decision based on the fact that they weren't in compliance or consistent with the text of the document. The Nut Tree document. In this case are you arguing that same thing that because the text says that even though the alignment of an instrument approach at least a precision approach is not going to be other than it has already been discussed runway 19 inbound. Are you saying just because it states in the document that this would be equally true for item 7?

Commissioner Seiden: Thinking it through I would probably agree that the approach to runway two not being feasible. And that being the primary area of concern that is the approach into the runway. I could probably find myself voting in favor of this because it goes to the other end of the airport.

Chairman Schoch: If there are no further questions from the Commissioners I'm going to open it to public comment. I've got a whole passel of cards here. I'll start out with Woody Harris. Try and keep your comments precise, please.

Woody Harris: Good evening and thank you for allowing us to comment on this issue. I too wanted to compliment Rick and Westrust on what they have done in improving the property there and working with the airport. However, I have a bit of a feeling here of a slight railroad job, there seems to be an unusual rush to get this through and I hear....I think that the planners that have found no conflict and are recommending passing this, in certain areas they are in fact incompetent to make that comment because I do not think they are aware of all of the implications from an aviation standpoint. I think we should have a closer look at this from a TERPS analysis standpoint. I would hope that it would go through, but I would like to be confident that in fact that that is the case and it is alright. I can certainly comment on the wisdom of putting residential there and I think that it is interesting that they feel that it is a benefit to the airport by having reduced the density of residential. Well, why not reduce it all the way and really do us a favor. I think that it is bad policy to have residential close by, I know they do the mitigation, the mitigation says the windows cannot open on the houses, you could build them really cheaply by not putting any windows at all and just have nice murals on the wall because you are going to have to have the windows shut and use air conditioning all the time. It seems rather nonsensical to me, and they've also done a good job a jerry meandering in their method of determining the densities around there and this is not the method that was foreseen in the California Airport Land Use handbook. So I think if you review that you will find that there has been some pretty creative thought put into how they get there. Those are basically my comments. I would like to see a further analysis on missed approaches, things like that. They probably could go ahead with residential, whether it is wise, I don't know, but that is an economic decision. I

can't see people wanting to pay premium prices to live with a bunch of noise, but there you go. I just think that we need to slow down slightly and have a little more careful in depth look at this and I don't think that that has happened. I have the sense that there is a sense of urgency to get something done for some reason, and I am not quite comfortable with that.

Chairman Schoch: Thank you. John Valentine?

John Valentine: Thank you very much. I had the privilege of growing up in Orange County when the Orange County airport was closed on Sundays so we could use it as a drag racing strip. There have been a few changes there and as you all know it has a different take off and landing approach. I'm not a qualified pilot, I don't know whether it is a privilege or not of owning 3 airplanes, but...and I had a pilot that flew me, and I see here, when we say we are rushing through, 3 ½ years I have been with this site, I represent CT Stocking that owns the old stadium site, and so 3 ½ years I've been working with this site, it was an ill conceived stadium that did allow 3,500 people in one location next to the airport. And noise factor as far as concerts and everything else was an issue that had to be eliminated and made the decision to take the stadium down. It also was a problem because it was an isolated piece of property and here was this isolated piece of property with the Nut Tree development across the street and it was not an integral part, and as a result it did not create an environment that made it attractive for people coming in and out of the airport and making an overall park. The hotel site was in the back of the commercial, that was not a good location, and as we know down in Orange County, and I no longer live in Orange County, I live in a little town called McCullumy(sp?) Hill, and...the hotels are very important to the airport as long as they are accessible, and the more accessible they are to the airport the more business it does create. So this plan that has been in the work for a long time, and the opportunity to see it develop I think is something that is good for the airport, I think is something that is good for the community, I think it is a successful project that can be very successful, and there are people that like to live and work close and within walking distance, and that was the reason the residential came into being there is because there are people that want to be able to walk to work, want to walk to the amenities. I would be willing to say there will be individual, possibly corporate pilots that will want to own one of those facilities so that they have a place to stay, so I think it is something that will work and benefit us all. I appreciate your consideration.

Chairman Schoch: Thank you. Ken Frazier?

Ken Frazier: Mr. Chairman, thank you for the opportunity. My name is Ken Frazier, I live in Vacaville for a little over 40 years now. I have been a licensed pilot, made my living flying airplanes for 37 years, 17 years of those, flying a C-5 at Travis and simultaneously flying in commercial aviation where I was at one time a FAA certified check airman. I was also qualified on a Category 3B status which means that you can land a 360,000 pound airplane without ever

seeing the runway. It is something I never had to do and it is something I never wanted to do and it is something that I still don't want to do. I am just mentioning that, I was never really any good at any of those things I just simply met the minimum acceptable standard which is all anybody's license is. Unlike a lot of pilots and retired military people, I like my government. I particularly like the City of Vacaville government. I think that Colonel Augustine, our mayor is a perfect mayor, and I am sorry he is not going to be a mayor any longer even though he and I have one giant disagreement, but I think he is a good guy and I think he is fairly typical of all the people in Vacaville government, the staff,....all of the elected people, they all have their moment, and the staff has always been responsive even when I have come to them with questions that went against what they wanted to get done with the city and I had objection to it. I like Vacaville. I think mostly it is a well run city. I think that what they are currently doing is that they are chasing sales taxes, they are chasing one time developer fees, I heard both the vice mayor and the mayor recently lament about the fact that we were short on develop fees because of the housing bust. They also chase property taxes. They tend to be right now is a city convinced that bigger is better, that they are synonymous. I happen to be one of the people that disagrees with that. They just recently approved a housing development right next to the railroad tracks. They may have actually already approved it and just extended it, but it is within the last 6 months. Right next to the railroad tracks across from the Travis AFB golf course. The Nut Tree...long before Mr. Capretta came was a source of entertainment for a lot of people as they wound their way through Highway 40. More recently, for those of us that live in Vacaville, it has become a different kind of source of entertainment involving city money and a failed sale and then other issues like that. It is still entertaining it is just a little embarrassing. I would like to second what Woody said about what Mr. Capretta has done with the current project in terms of...I think what he has done has been an improvement over what the previous management team did. As far as the city being on board with this kind of an idea, and really what I am talking about here is specifically building houses...that's the closest part of this development to the runway is the residential part, and that is where I would urge you to consider this very carefully. The old saying is "that's the straw that broke the camel's back", and all we are ever talking about is the person that put the last straw on the camel that broke its back. This is one of the earlier straws that can lead to the end of the Nut Tree Airport. There are numerous examples all across the country where this happens. If you go to Los Angeles, next time you fly out of LAX get a window seat and just after the plane lifts off look out the window and you will see an entire neighborhood surrounded by chain link fence. The sidewalks are still there, the driveways are still there, I think the foundations are still there and it is an old....I forget the name of the development, but the City of Los Angeles bought that because they made their airport bigger than it used to be. There are examples like that all over the country.

Ken Frazier: An example of how the city planning department is not really sort of up to speed with aviation is that the remark about how, in item 6 the

property under question was ¼ of a mile away from the runway. At 180 miles per hour that's 5 seconds worth of flight time. So we've run into this with the general plan notification in that they notified everybody within 600 feet now 1,500 feet and you are still talking about seconds. So they mean well, but it is just another straw on the camel's back. Regarding the residential thing, a lot of the famous accidents are, I think everybody in the room is old enough to remember the airplane that during the Christmas season ended up on top of the Concord mall and killed a bunch of people, and there was also the airplane, the old Korean air jet fighter that took off out of Sacramento exec went into the ice cream parlor on a Sunday afternoon, killed a bunch of people. But the accidents that you don't hear about are, and here are a couple of C-5 incidents, there was a C-5 that landed short at Shemya which is up in Alaska. The airplane hit short, bounced up on the runway and no one was killed. Nobody hears about that. Another C-5 incident was one that happened at Clinton-Sherman Oklahoma. It was on an air refueling training mission, caught fire in flight, came back, landed at a runway that was much shorter than the base it had taken off of, ran off the end of the runway into a field, broke into three places, airplane is a total loss, no one injured. Interesting enough the pilot in command on that particular airplane happened to be the pilot in command on another C-5 that landed at Frankfurt, Germany, ran off the end of that runway after following the procedures to the letter that were in the book, because of a mechanical failure. Now if you compare those incidents with Southwest's only fatality at Midway. They landed...Midway is a really bad example of an airport being used for air transportation, in my opinion, along with the Orange County Airport, but the fatality was because people were in close proximity to the runway. The runway was slick and they only have two options, the traffic pattern at Midway is frequently determined by the traffic pattern at O'Hare and so they used the runway that they had and they ran off the end. When I was a little boy I used to beg my parents to take me out to the Denver Airport so that I could watch the airplanes. There was a little boy there in a car who is no longer with us because of his proximity to the fence when the airplane ran off the runway. So I would submit to you that if you have any ability to remove the residential from the proximity of the airport you may be doing someone you have not met or isn't even born yet a lifesaving favor.

Chairman Schoch: Thank you, Jan Hewitt? (Did not appear when her name was called.) Ed Forest?

Ed Forest: Good evening ladies and gentlemen, my name is Ed Forest I'm here representing the Vacaville Chamber of Commerce. The Vacaville Chamber would like to express support for the revised Nut Tree development. We feel it is time the project move forward. There was a considerable effort to solicit public opinion I thought that was laudable, I participated in some of those efforts personally. I thought there were a lot of objective things came out, there was a lot of constructive criticism I think you would agree. The proposed changes that are made are considerate of those issues and are true to the original intent of the development, a development that I might add that

has been ongoing for some period of time. I think it is best that it move forward both for the community and for the integrity of the plan itself. As it moves forward....the sooner it is completed the more likely it is to stay true to the original intent of the plan. It is welcomed to see that it is going forward and we believe that it is beneficial to the community as a whole and that is why we would like to express our support. Thank you.

Chairman Schoch: Thank you, Duncan Miller?

Duncan Miller: I am a long term pilot, hanger owner, airplane owner at the Nut Tree Airport. I love it. I think the greatest thing that ever happened to this area was the Powers family giving us the Nut Tree Airport and have lived with it and loved it since I have been here since it started. My time here right when the war ended I was at Travis days after the war ended and stayed here for awhile came back to be a permanent part of this country in 1960. Last night when we were watching some accident photos and it brought back terrible, terrible memories of mine when myself and my partner watched one of our aircraft take off at Boeing Field, Seattle, Washington and crashed with 40 something people on board in site of the airport, and the thought that came to me I had just watched the development...pictures of the development when we are doing, going to do at the Nut Tree planning the area surrounding and that made me feel that I had to speak up some and have people realize that residential and people along side and in the path of aircraft that are flying off that airport...just the longevity of them it's not a good place. I found it deep in my heart that no one would want to go through again what I watched and what I saw of an aircraft coming down among populated houses in constricted (unintelligible) areas and people, people, people and I thank you very much for listening to me, and when you can visit the Nut Tree Airport. Thank you.

Chairman Schoch: Thank you Duncan. John Foster do you want to make comments again?

John Foster: I'm passing out another copy of the FAR 77 dimensions and I'll refer you to the package that I sent out earlier with the various points on it. While she is passing out the paper, I will just make a quick opening. One thing I learned when Caltrans came and gave us the ALUC presentation and training was the concept of the consequences of once. Maybe some of you have heard me talk about that before, but I allude to the comments earlier. Why do school buses stop at railroad tracks? Why do those things happen? Because we are so afraid of having even one school bus being hit by a train. Why do we have airport planning to try to have open space areas around runways? The consequences of one accident is so great....as a society we have decided to make sacrifices like not developing people (unintelligible). That is not part of my opening comments it's just consequences of once something out there that you might hear. I was going to open with a quote, "half a true is often a great lie", and that was from Ben Franklin. I will try not to do that. That is my charge not to tell half a truth. For you, members of the ALUC I ask you to think of this concept here, quote "truth is what stands the

test of experience”, that is from Albert Einstein. Truth is what stands the test of experience. Take your experience, your flying, your life that you have done as a pilot, as an aviator and apply that to what you hear tonight and what you’ve heard tonight and what you will hear tonight and I think you will come up with the truth.

John Foster: I’ll start out by referring to the documents. I just very briefly do the precision approach thing again that is why I passed out the (far?) 77. This diagram, the table, last night I heard the presentation from the project proponent and we were told that those diagrams were based on 34 to 1 approach slope, and if you look at the dimensional standards that is for a non precision instrument approach. For a precision approach it would be 50 to 1. It also talks about at the width at the end is 1,600 feet for a precision approach and 4,000 for non precision so the land use plan calls for the precision approach to be determined and I do not think that has been done based on what I have heard tonight and based on the information I have. I think that is an inconsistency in what has been presented. Inconsistency with the 1988 plan. The next point and those are also in my document, let’s go to number 3, I’m not going to dwell on this too much. The airport is undergoing a master plan update. We know that and we know that Jim Leland has told you oh you have to look at...you can’t do this until it’s adopted and things like that. Well there has to be some common sense here too. We know that the master plan process is underway, things are going to change there are helicopters here now, there are falcon jets here, the noise studies and the master plan that we have is probably somewhat outdated. I did include some pages for you from the California Handbook that talks about what ALUC should do and not do. Those are towards the back and as I said before on the second page of what I handed out is a table of references so if you are interested in that it is page 16 and 17, I’m sorry for master plan I think it’s 15, 16 and 17, but it’s not important I just...as a back up. But that part ALUC should not be to aggressive and say yes we are going have 747s here and then not let anything develop around the airport, but you don’t want to be too conservative either and allow development that could be inappropriate in the future. I’m not saying that is an inconsistency, I’m saying that would be a...to me that is a concept where you could say we should delay this process, can we delay this process for a year until the master plan update is done, I can’t answer that question. Number 2 point on noise. Very observant...thank you for observing...one commission observed that they are using 63 decibels for the building, now their line said 60, but the noise consultant said 63 and I have a copy of the noise consultant’s actual, on page 13, I’ll just briefly, and I’ll try to keep it rolling here, Ray I won’t get too bogged down, but this is the Bollard(sp?) Acoustical Consultants, it’s on page 13 here, and they say that noise exposure in excess of 60 decibels is considered clearly unacceptable in quotes, next paragraph, and I’ve underlined them in red if you care to go to that page and look. For this project the noise exposure would exceed the applicable clearly acceptable criteria of 60. The last paragraph the bottom line to it is they say the way the residential....I’ll read it correctly, project residential buildings would be expected to provide no less than 25 decibels of

exterior to interior noise level reduction assuming windows and exterior doors are closed. In this case interior exposure within the closest residence would not exceed 62 minus 25/38ths so a little calculation. And in the next page the last item I'll read from there "In order to achieve the 45 decibel interior reduction", they say, "so that windows and exterior doors may be closed when needed for acoustical insulation". You have to have air conditioning and so forth, so I believe this is an inconsistency. The project is building in excess of the 60 decibel line and it's using a flawed noise study, I think it's flawed, the idea of having windows closed to meet the standard. And it doesn't incorporate falcon jets, helicopters and other things. So clearly Vacaville (not intelligible) says there needs to be another study done. We have enough information now to say that the location of the residential is inconsistent with the plan. Final point that also may trigger an EIR lets say. Lets say you decide that you've got too many things going on and maybe we should need a whole new environmental report and not just another study. Last item which I think is the most important, saving best for last. I was there in 2002 when the residential density calculation was done. Some of you were there with me o.k. There was no site plan. That approval in 2002 was based on a concept. We're going to do... we're going to increase the density by doing clustering. You cluster you go three times the density. Instead of six you get eighteen. And that's in units too o.k. that's not just my opinion. In the minutes it says "Commissioner Foster said how are we going to do this density without a site plan?" Clustering is not this idea that Ron Glas's letter, the staffer, came up with this idea that we are going to have zero up here and get eighteen down here. That is not clustering in my opinion. Clustering is ...you take a parcel and say where are the residential in this case it is 15 acres and you still have open space...300' by 75' something for a (not intelligible) where that residential construction is taking place. So you give that density bonus but you still have open space. The Cal Trans handbook calls for 15 to 20 percent and that's in ... I didn't memorize it anything like that believe me. Around 20% open space should be in these zones. So if you look at that and you apply that to this development you should see probably three acres out of the 15 as open space oriented towards the runway. Guy loses an engine in the right, in the left turn or right turn depending on where he is taking off out of... He's got 300 by (not intelligible) feet or more, that's the recommended in here to put it down. It doesn't mean 18 units per acre for all 15 (not intelligible) and I think that's where the developer is wrong and I'll say the half truth that's all I'll say. Yeah the consistency was or the interpretation was yes you can have up to 18 units per acre but you still have to meet the clustering. That doesn't mean putting free space up in ... you know, a mile north of the runway or in Nevada; it means putting it where the residential construction is going to go. And this is the bottom line for the thing. Without those clear zones in there, without that open space for an emergency landing, this is inconsistent with the approved concept of clustering; simple as that. This idea of having zero to the north and all of the 18 units to the south that was a letter from Ron Glas, ALUC staff at the time said this was good and I brought that letter too. The ALUC itself we never sat down and said yeah it's o.k. to have no...you can cluster 18 units with no emergency landing space. I

don't understand this or even (not intelligible) how are you going to orient this place for an emergency landing in here? (not intelligible) the site plan. So I think that is a big inconsistency. Now that you have a site plan that doesn't conflict with what was done in 2002. As far as I'm concerned that still stands conceptually if you (not intelligible) a site plan that has a density bonus and oh by the way there's clear space in there you can probably do it. Then you would have to consider other things like noise standards and that kind of stuff. I gave examples in the handbook of what they're talking about ...the 20%. I come up with about 3 acres of open space with you there. That would yield about ...if you take three acres out and times 15 you might end up with...instead of 270 you might end up with 180. But sure enough there is a letter from Fred Buderer in here that says it was 10 acres and 180 units as soon as three years ago. So now it's Mr. Capretta; it changes. Am I making my point though that I don't think my analysis of what they are doing here, it can meet the clustering density bonus in the method that they are using. There needs to be some clear zones where those houses are going to be put. Not on the side of the runway. Ok, I'll just close with my opening quote "truth is what stands the test of experience; truth is what stands the test of experience" and I can visualize each one of you perhaps taking off, having a problem and looking for that place, somewhere right where those houses might be some day and I hope the truth prevails and you'll come up with a good decision. Thank you very much.

Chairman Schoch: Thank you. Curtis Hunt?

Curtis Hunt: Mr. Chair, members of the Commission, thank you for this. My name is Curtis Hunt and I'm the vice mayor that was referred to earlier that was chasing the property taxes. But I also want to let you know I'm speaking tonight as the vice mayor and however we have not had an opportunity to take this up as an official city council. But I'm here tonight to recommend that the proposed policy plan amendment is consistent with the policies of the Nut Tree. I'd like you to imagine that back in 2002 when this project was approved and people were at about a four percent unemployment rate. Cities were selling, car dealers were selling entire inventories in six weeks and the economy continued to improve just as it was planned. Well at that point we would have a six storey hotel at the Nut Tree. We would have a series of two storey condominium buildings back near the runway. We would have an amusement park with between 1100 and 1300 people in it at any given time. We would have a baseball park with 3400 people watching the Steelheads play at the time. However that wasn't the case and so now they are coming back to you with an amendment that is far less than the original approved amendment; less housing, less residential, eliminating the 3500 seat capacity and they are finding it difficult to get approved. My point tonight is that I support this because I think it represents the best chance for the Nut Tree. The Nut Tree as mentioned earlier has been and will continue to be a high priority for our city council. And the Nut Tree is an important part of the economic development in that area. The residential application that we're having tonight is far less than the original one that was approved in 2002. The

uses, we've reduced the size of our convention center from a six storey, or our convention center hotel from a six storey to a four storey. We've relocated that on our property further away from the approach. And I think this is the best opportunity so I'm supporting that. The final thing I want to say, there seems to be an issue around the precision instrument approach. That seems to be sort of the sticking point for both of these consistency rulings tonight. And the consistency of the instrumental approach was not considered in the original purchase of the property and perhaps it should have been. Perhaps when the County and the City worked it out the instrument approach should have been considered. The lengthening of the runway should have been considered. The different trajectory in which the planes will come down with the longer runway on the precision approach should have been considered. However going back to that now, in the event that when the analysis is done and if it determines that it encroaches on this development or it prevents people from perhaps purchasing a Yardbirds store that is out there; I think the issue that we will have to deal with is inverse condemnation. And I can share with you that if we take development rights from Mr. Capretta or whoever it is, if we all of a sudden say we can't develop certain things that were previously given to him and if we say that the Yardbirds can't put a certain development in and people who vacate that I think we are going to have to deal with inverse condemnation and the consequences it has. Finally I'm just going to close that ... nobody wants an unsafe airport. Nobody wants to put people in jeopardy. Nobody wants residential things to be there, but and I'm not a pilot but I know a lot of pilots. And my brother-in-law is a pilot. Two weeks ago we had the opportunity to take his experimental aircraft up from the Nut Tree and flew up to Auburn and back. He built the aircraft about six months ago and he just got it approved for flying by flying enough hours to have other people in it. And I can tell you the approach that we ended up coming back home to is right over Browns Valley. We flew right over Browns Valley and we were right over residential so I definitely want to plan for contingencies. But I just want to close that I recommend that the proposed policy plan amendment is consistent with the policies for the airport land use compatibility. Thanks.

Chairman Schoch: Thank you.

Commissioner Seiden: Mr. Chairman, for Councilman Hunt please. A comment to set you at ease just a little bit. And that is from page three of the Nut Tree Airport Land Use Compatibility Plan and the statement that the Commission has no authority over existing land uses even if such uses are considered incompatible with airport activity. So rest easy.

Curtis Hunt: Thank you very much.

Commissioner Seiden: You're welcome.

Chairman Schoch: Brenda Clyma?

Brenda Clyma: Thank you Mr. Chairman and members of the Commission. My name is Brenda Clyma. I'm a staff person from the City of Vacaville, Department of Housing and Redevelopment. And I just wanted to elaborate on the presentation that Mr. Capretta had done. In the past the Nut Tree Airport was an intricate part of the Nut Tree development. When people would fly in they would eat at the restaurants. They would shop at the stores. They would ride the train. Since that time it's shut down and during the past year we've been working with both the Nut Tree as well as the stadium developers to come up with this 2010 master plan and amendment to the policy plan. The master plan amendment would actually provide us with the opportunity to provide a connection between the Nut Tree development and the airport; similar to what it was in the past. This will allow people to continue to fly in to use a pedestrian pathway to get to the Nut Tree development to shop; to eat; to go to conference centers; to ride the train again. And so we're really looking forward to this type of development to occur. Thank you.

Chairman Schoch: Thank you. Some repeats here. Juan Carlos do you have any further comments?

Juan Carlos Cantovalla: I have a slight, some information for you. I failed to introduce myself previously. I am the owner of Wings Flight School, the flight school at the Nut Tree Airport. Nothing would please me more than seeing the whole area (not intelligible) go and bring more customers to my flight school. I'm also president of the Solano Pilots Association and as president of the association it is my job to protect the airport for the users. I'm also an FAA safety team representative and named by the FAA in safety issues to bring information to pilots and the community to the benefit of safety. And I'd like to ask for ... over the technicalities of documents and contracts to make the plan where these development and residential areas are taking place. And I've shown it to people, young pilots, to people around and asked in which universe does this make sense? When you look at how close those offices and those residences are to the end of the runway it just incredible. We lose an airport a week in the United States to encroachment. It starts like this; it's not a problem. We build more and more things closer to airport until one day the city says we can no longer can fly between the night hours. Then we lose commercial operators. That area where the residential development is going to be is very close to the hangar where the helicopters are repaired; a lot of helicopter activity. Those are particularly noisy aircraft. Back when the ... if we go to the next information there. The noise study of 2002 is as good as yesterday's weather forecast. The noise that was projected out of the airport in 2002 has nothing to do with the noise we are going to have in 2015 when these projects are put in place. If we are seeing that today we are already exceed the noise right now. Back then I don't know how many jets we had. Right now we have five. Lets say we double that, I don't know. I'm starting, right now I'm in the process of starting a charter service for the airport, for the community, for those businesses that are going to need transportation. So were are increasing operations. We are increasing noise. And if we already see that we are borderline or almost exceeding the noise levels that we

studied in 2002, it's very easy to figure it out. It's going to be more. If you go to the next one, that one shows 80% of accidents happen within a half a mile of the runway. And a handout that more clearly shows, it's a little bit unclear there. I see a layout the wrong way and bunch of red X's. Those are airplanes that have crashed on landing. And a bunch of green Xs, those are airplanes that crashed on the park here. You can see a large concentration of possible accidents, by the way, these are not actual accidents this is the layout the FAA has given us based on national statistics or where most likely an accident is going to happen. And you can see a large concentration towards both ends of the runways. Most accidents happen within a half of the runway. That's exactly where those residents are. So my request is for common sense and looking at those graphs it shows that the residential there is clearly a problem. I'm totally for the development. I love the concept of the convention center; the hotel; the commercial areas. I personally refer pilots that come asking for food or somewhere to spend the day while they are waiting for the passengers to go to those. I ate today there at the commercial... I love it. But I think that the residential; it is just a bad idea. And I believe that you could maybe make use of the space in a very productive way for the city; in a very productive way for the developer that doesn't involve bringing a whole bunch of people to live there. Thank you very much.

Chairman Schoch: Jim Mac Knight?

Jim Mac Knight: I know the night is getting long, I'll try to keep this brief.

Chairman Schoch: Thank you.

Jim Mac Knight: Mr. Chairman, Commissioners and staff my name is Jim Mac Knight, I'm the vice-president of the region two of the Cal Pilots Association. Cal Pilots is a group that was started in 1949 and our mission is to preserve the states airports and it's a volunteer organization. Our organization is really here to try to keep our airports safe and to preserve airports. And we have been doing this for 60 years. We wish we could have done a better job but sometimes you just can't do it. You know, you're working as hard as you can on that. I would just like to state that Cal Pilots agrees with the, with the California Cal Trans aeronautics report that was submitted in August. That we do agree with that. And there is a couple of key points that I would like to bring up and then move on. Once you lose a resource, once you lose the opportunity of putting in a precision approach you won't get it back. It's as simple as that. And I know we have heard about other things. There was a comment on condemnation. It's a possibility but it may be a lot less expensive to deal with that now than to deal with that...You can't expand your airport. You can't expand the commercial operations. There is also, it's been brought up many times, there's just no substitute for open space. And I think the key point that is brought out in their plan here is that the issue with the residential is the location and the noise level. It's at that location that put that residential. It's the safety factor of it. That's to me from everything I've heard that seems to be the key points and the key areas. So just to summarize right here is that

I guess it would be the Cal Pilots request that the Airport Land Use Commission finds that the ... presently at it is that the plan is inconsistent with the present plan (not intelligible). And thank you very much and thank you for your time.

Chairman Schoch: Tom .. is it Beattie?

Tom Beattie: Thank you very much. My name is Tom Beattie. I moved to Vacaville as a compulsory invitation of Uncle Sam in 1974 and for the next six years I applied my talents in a C5 out there. Want to mention a property that some of you may recognize, Phoenix Field, Fair Oaks, California. Does anybody know where that is? I took my first airplane ride there in 1966. I'm a rated pilot. I'm a airplane owner and have been flying ever since. Why isn't Phoenix Field there anymore? And what is currently in place of where Phoenix Field used to be? I'll tell you; it's residential applications. Residential applications and airports is simply bad karma. They don't mix. It's a ... every airport that has suffered complaints and ultimately their demise has largely been so at the hand of encroachment by residential applications. The...You know I applaud the West Trust changes in the development of the Nut Tree Airport in the last year or so. I'm very pro development. I'm every pro Nut Tree and the Nut Tree Ranch project and concept. I was a tax paying citizen here in the city of Vacaville back when the development transferred from the original owners and founders into what was being sold in the media and newspapers as a grand destination that was going to preserve the heritage of the Nut Tree site. And I can tell you as a taxpayer I really looked forward to that. As a child my family has pictures of me riding at the age of about three or four years old on those wooden horses that were out behind the old Nut Tree restaurant and they are still preserved there today. So I have very fond memories of that. And I also appreciate the value of what the development, a good development; a well thought out development like the Nut Tree can do one for the economic well being of the community and certainly the viability of the airport. As an advanced, you know I have advanced pilot ratings and a fair amount of experience; more that some and not as much as others in this audience. I can tell you that I have never in my life and I have flown all the United States and different parts of the world, ever seen an airport or published approach where the approach did not also include missed approach procedures. I've heard a lot of talk this evening about the approach and the concern is for the north end of the runway flying south. That is all the approaches currently are aligned to runway two. But I have never been able to fly an instrument approach when I ... no matter which if there was only one runway which in fact there are actually two. I was approaching from the north. If I was not able to complete that approach I'm also required to execute a full missed approach which takes into consideration the south end of the runway as well. So the south end of the runway is just as important to a precision or a non precision approach as the north end of the runway is. So you cannot. you know, the emphasis has been because the development is to the south it's not as much of a concern or is important to avigation as the north end of the runway is completely misleading and false. In regard to the Nut Tree

development when it was first being billed and sold to the public as this grand destination that was going to preserve the heritage. I can tell you that today as I drive by that airport on a daily..., or drive by that development on a daily basis, as a taxpayer I got to tell you I feel let down. I have been somewhat inspired as a result of West Mark's efforts in the last year or so with the changes that have been made. But my comments I'd like to focus around three areas within West Mark's presentation: solar, residential and studies, noise studies. In particular that were done in 2002. Let's talk about solar. How many people have ever seen a really attractive solar farm? How would a solar farm in any way contribute to the heritage, the feel, the exclusive or in any way unique destination of the Nut Tree Airport? Why are solar farms typically relegated to roof tops of industrial buildings? Why are they relegated in to places like Barstow? Got to get out in the middle of the desert. Why are the wind farms out in the hills where there are no residential areas around it? Because frankly they're just unattractive. Why would we want a solar farm on that prime real estate, Nut Tree Ranch property? That just is unfathomable to me. Residential applications, I can't think of a worse place to put any kind of ...whether it's clustered, single family, multi-family applications at all. Noise study that was done in 2002 if I recall correctly from the slides that were presented, I think they talked about a 120,000 operations if I've got my ... if I remember that slide correctly back then. And then a forward looking study for a 180,000 and 190,000 operations, I can tell you as a operator myself out of the Nut Tree back in 2002 and well before the kinds of airplanes that were operating then are not the kinds of airplanes that are creating noise pollution today. That study is terribly flawed. And so to take the noise pollution that occurred back then and the types of operations that contributed to that noise pollution and consider that a forward looking report as to what you can expect in ten, twenty or thirty years forward is again misleading. I live over in the Stonegate area of Vacaville. I am one of the rare people who loves airplane noises and I love the smell of jet fuel. It just makes my day. I also love to hear these helicopter fly over but what I can tell you that the thing I notice most in the increased activity and noise pollution at the Nut Tree Airport is the helicopter operations. And there are proposals for that activity to increase. I'm very pro for that and I can't imagine how a residential application is gonna be able to co-habitate with that kind of noise and that kind of increasing noise. The jet operations, I love those falcon jets. And right now when I was walking into my office at the Nut Tree Airport when they landed this airplane under great concern about whether the ramp would even support the weight of his airplane. I think those kinds of operations are good for the economy and the local environment. I think it's good for the Nut Tree and the airport. But to allow encroachment to the airport or to not consider the needs of precision instrument approaches in a forward looking vision or plan for the airport I think again is miscalculation. And I totally agree that if it isn't provided for now and you allow that encroachment to occur and the TERPS study comes back and says guess what the development that you have around the airport prohibits or precludes the development of those instrument approaches going forward into the future you are absolutely right you're not going to get them. You are not going to saw the tops off these buildings. You are not going to kick

tenants out and you are not going to be able to move buildings around to create the open space where you need it. We've heard a lot of talk this evening about ...you know what I've been hearing is dangerous airports are. Well airports are really not dangerous. But, you know, there is I suppose some loose comparison as to why you don't teach 16 year olds how to drive in Ferraris. For good reason. We also don't put houses in apartments around airports for good reason. And we need open space around airports for good reason. And it's just common sense. It's logical. I think that the TERPS study is very important. I think that any studies that are being used that were generated in 2002 for the proposed development of the Nut Tree site going forward need to be revisited, revised. I think the current operations at the Nut Tree Airport need to be taken into consideration. I don't believe they were in 2002. They didn't exist. I believe the development that's occurred at the Nut Tree Airport in the last 18 years is consistent with the desires of the community. And the growth of revenues and the cash flow streams, it's been good no doubt. I hope that continues and goes forward but the airport must be maintained viable and I'll cut it off here. I could go on for a while but hopefully my remarks made some points. Thank you.

Chairman Schoch: Thank you. We have a couple more yet. Thomas Bucci?

Thomas Bucci: Again I will be (not intelligible). What a rare thing. The seven of you to deliberate on something that might affect 25 years from now truly whether there is night operations at that airport or whether there is an airport period. I too, I live in Browns Valley. And I can hear the cycle of the constant speed props as they are cycling through in the morning at run up over at runway 02 which is going to be located very closely to those homes over there. If I can hear that a mile away, imagine even if I've got windows shut, what we're going to be hearing about in the community about noise at the airport. It's almost as if it's the genie in the bottle. I heard some really good stuff tonight and I am so impressed with the deliberations. And it is very true especially when you experience a (not intelligible). You know that that missed approach off of that IOS or precision approach that may very well exist at the Nut Tree here is going to require a aircraft to go even lower than we're currently allowed to go in the weather. What that means is we only have one runway and that means when there is a good 20 knot crosswind and you're coming down in that Falcon and you're trying to make that adjustment and you don't see the runway at precision height at 200 agl or whatever it might be that means we have Old Rocky to the right there. There is only one way you can turn. Straight ahead you climb and you make a climbing left hand turn and guess what you go right over the top of? All of those houses that are going to be built over there. We are so close to all ... supporting this program. Rick you have been so good to us. The day the airport every weekend we are seeing pilots go over there. It is so great so see a parking lot full of people eating at the restaurants. It could only be better but right now as it stands with the housing and the noise and not knowing what TERPS might do for that missed approach, I can't see how this could be affirmed to go forward. Thank you.

Chairman Schoch: Thank you, J.D. Lynd do you have more comments.

J.D. Lynd: Mr. Chairman, Commissioners, J.D. Lynd, Nut Tree Airport Advisory Committee. A little bit on my background. I spent 30 years in the military and flew a variety of aircraft. 20 years commercial aviation and I've flown to an awful lot of the airports in this country and outside this country. So I do know my way around airports. And I do... I can tell you because I've done it multiple times that pilots have to be on their best game going into airport like Midway, John Wayne to do it safely. The committee asked me to represent their concerns and those of the public. Last night Mr. Capretta of West Trust gave us a presentation as well as to the public. And they asked me to express some of their concerns this evening. You should have a letter in front of you. And a lot of good points have already been made here tonight and I don't want to go over and rehash them. The noise issue I know that zone E as far as the 60 decibels ... I know the intent is based upon what it states. That exterior noise should be minimized or exterior exposure to the noise should be minimized. But that is asking everyone over there to keep their windows shut because ... to preclude that. I don't think that's the intent of that. It's also been brought up multiple times in terms of the reliability of the 60 decibel line and in fact I've already seen a document today that shows that line actually far exceeds south of Interstate 80 which leads to higher decibels north of Interstate 80. I don't believe that the noise footprint obviously is the same as 2002 especially since Cal Star, the medivac helicopter, wasn't in place in 2002. also it doesn't take into account single noise events from the helicopter departure, arrival. That's not in the current studies. It doesn't take into account, and we've already alluded to it and I already know the number of decibels of a Falcon take off at full thrust. It's 93 decibels when it goes over the noise meter at John Wayne. I've been told that. So those are single noise events that can be very disturbing when they happen at 2 or 3 o'clock in the morning. Currently there is a limited fbo at Nut Tree that's been approved request and agreement with helicopter services that support Cal Fire. When you combine the need of aircraft to move at all hours of the night that medivac helicopter moving. Cal Fire potentially locating there at the airport have a need to fire up their helicopters and leave late at night to prevent some disaster wildfire. You combine that with the flight school which is asking and requesting charter services; all good things for the airport but it does mean increased operations and it definitely not going to be similar to the previous noise studies. A little bit on height of structures. Nothing was specific in the plan. So it couldn't be determined if it will conflict with the approach and transitional surfaces. Future airport operational changes may affect those requirements. And the airport is under going, as been mentioned here tonight, a master plan which will help it determine a future path. Mapping should be done in order to insure clearances provided for airport operations. We've already mentioned in discussions earlier a joint workshop between the Commissioners here and the Nut Tree Airport Advisory Committee that requested that no ... that should require that no future development impinge on obstacle clearances for precision approaches at Nut Tree Airport. It is felt

this clearance should be based on current and potential future location of any runway extension. The Commission should ask to receive authoritative data showing precisely how the obstacle clearance criteria for precision approach to the Nut Tree can be met. Obstacle clearances, and this has been pointed out, for precision approaches is a 50 to 1 ratio vs the 34 to 1 that was utilized in planning. Which precludes any future development. Question came up yesterday on the clustering issue, clustering of residences on one side of the airport while using land on the opposite side in the density calculation. It gives the appearance of a less dense population than the actual effect it has caused. High density near airports really gives a potential to mishaps. It was a year ago out of Palo Alto a twin engine went through some high lines very close to a neighborhood. Just last week a (not intelligible) lost an engine on takeoff. Individual was not able to control the airplane. It ended up in the lagoon right between the houses. That was last week out of San Carlos. Anyway, it was perceived that the projects would include large portions of open space that would afford an opportunity for forced landings in a residential area. Bottom line, safety. 80% of accidents in aviation happen within a half mile of the runway. That's FAA data. It's already been pointed out the R (not intelligible) gps zulu for runway 20 missed approach is a climbing left turn full power which would go right over that area. Now put yourself in that aircraft. Loss of instrumentation, loss of an engine, vertigo, disorientation and the aircraft will end up in those residences. Residential, currently there is no residential in zone E. I mean it is a huge step that ultimately could lead to the demise of the airport and that's been alluded to. But I'll take you thru that. It usually comes in multiple steps. The first generation of residents will tolerate it because they knew what they had when they moved in. Second and third generations will not. They'll end up finding a council member that'll take it to the council. Then there comes the good neighbor policy of implementing quiet hours. Quiet hours to an airport such as John Wayne is not a major factor when you've got the demand for transportation that they have. At an airport like the Nut Tree it's the beginning of the end because none of the commercial operators can do that. You can't have a medivac helicopter that can't leave in the middle of the night. You can't have Cal Fire not being able to deploy their helicopters then. You can't have a commercial operator that depends on executives that pay for charter services leaving at 3:00am to make a meeting in Chicago that morning being restricted. They will locate elsewhere. That begins the end of a small airport. Anyway we've talked about ... primarily focused on the residential development. And I've flown in to many airports over 34 years and I can tell you that I have seen many residential developments kill airports. I've never seen one save an airport. The bottom line, this committee does not believe this is the safest course of action. And the project really needs to be examined more closely. Finally the committee has a concern over the appearance of the rush to approve projects prior to allowing the master planning process that would lead us into determination of potential approach development prior to allowing the master planning process basically to be completed. And lastly, a wise man, my father once told me, because guidelines or the law does not preclude us from taking a course of action

does not mean that morally ethically it's the right thing to do. And a loss of one life isn't worth it.

Chairman Schoch: Thank you. I have a card from you Rick.

Ricardo Capretta: Well first of all I just want to say all of you I really, truly appreciate your comments. I want you to know that this plan, every portion of the Nut Tree plan would go into specific design review where many of the factors that you talked about could be accommodated thru design futures. And it's tough being a pilot and hearing all these things but I think there are some other issues that need to be considered. And I just want to go over a few of the points. There have been a few comments tonight about a sense of urgency. We're on our eighth year on this project going on 12 and this was a five to seven year project. We're just coming out of one of the greatest recessions in American history where this project was in severe default and a rescue plan was created to save the Nut Tree. We're just processing our plans. I wouldn't say in year eight trying to come in front of everybody with what I would consider wise and logical recommendations to complete a project that was initially planned over five to seven years is trying to railroad the process or trying to create a sense of urgency. Actually I think we've been taking a long time. I started working on this master plan April 2009. So we're here almost a year and a half later. Second issue I want to say there has been comments made about the noise. And there is some specific language in your document on page 14 which you can read but it's critical for everyone to understand is we're complying with the ALUC plan. And the ALUC plan has taken noise into consideration by the designation of the zone. So when ALUC has designated zone E as capable ... having residential there has been an opinion issued by the County that states noise is not to be considered. Mr. Foster brought up the Ballard acoustical study that was done. That was done on a plan that is not part of the adopted consideration. The adopted consideration is the 2002 noise plan not the 1988 plan. We looked at that as a contingency but the strict truth, 100% truth, is that our residential site has a CNEL less than 60 as shown by the noise study. And the noise study that was complete has been done projecting for future activity. And I would like to further say that airplane operations that were projected in 2002 are now by the airport itself projected to be much less from today into the future. So I would argue that the noise study is conservative not liberal. The issue of accidents ... you know accidents can happen in any form of transportation. Your life as a pilot you never like to talk about accidents. I think the study or the graphic that the gentleman from the airport showed where the potential area for potential accidents is not even close to where we are proposing the residential. The residential is being proposed in the area that is zoned for residential. I just want to close by saying this is the county's plan. We've come in. We have the county's plan. We have our plan. We're complying with the county's plan. We haven't asked for anything outside of that plan. I also want to note that I've approached the airport last year and I actually mentioned it again recently, that if it would be in their interest for our office parcel I would be willing to sell that parcel to them if that was something they

desired. That's been on the table as a show of good faith to say if you think this would be a good idea for the airport then I'm willing to have that discussion. We have been a cooperative party and sensitive to the issues. But I'm also sensitive to the fact that we have a plan that has been deemed consistent by the City of Vacaville, by Jim Leland and the County, by an independent. I was asked to spend money with an independent ESA, an independent company, to make a consistency. So as a developer I could come here and say I believe this is consistent. So I tried to do all the right things. I've hired the third party. I relied on the County. I relied on the City. This is not a concocted idea; this is a bit of analysis, a tremendous amount of analysis I should say that has been thoroughly vetted through many professionals both on the private and public side. And I hope that can be considered. That aside I just want to say thank you very much. I know it has been a long night. I appreciate your concerns. Thank you.

Chairman Schoch: Thank you. We're closing the public comment section. Staff do you have any comments at this time.

Jim Leland: I would just like to cover a few points that various members of the public made. I'd like to take the Commission back to 2002 if I may. This notion of clustering was actually indorsed by the ALUC in a 2002 hearing on a 5 to 1 vote. Commissioner Foster voted against it but the other five members present at the time supported it. And the macro view of clustering at the time was the City was taking off the table any residential development in most of area E. And the golf course was going there in place of that. And that portion of area E is in fact where the projected accident that was depicted on the graphic for the public. So the idea was let's intensify the residential down by the commercial center and take it off the table in those other hundreds of acres that allow, would have allowed six unit an acre which is the average density of probably of Browns Valley. So we'd have had more of Browns Valley type development throughout that were it not for that clustering decision. Also 18 units an acre is pretty dense housing. People that buy 18 unit per acre housing typically buy it in places right next to transit stops, rail stops. You see it where I live in Benicia down by the waterfront where trains and ships and all sorts of things go by all the time. And people are more accustomed to that kind of ambient sound level than the six unit per acre suburban single family home type of development which is what could have gone in all of area E around the airport. So that's why back then it was important to come up with clustering and take the residential off the table that was otherwise allowed in most of area E. And that's a precedent the Commission set on how to calculate density and they haven't changed that. I wanted to clarify that. And with that, you know, we're recommending the project as is. If the Commission wants to interpret the plan in a different way as you did on the last item, which you can do, the staff would appreciate your articulating what the new interpretation is very carefully so we understand what we're supposed implement moving forward. Thank you.

Chairman Schoch: Commissioners do you have any further questions for staff?

Commissioner Seiden: Just one, Jim, on the noise decibels. Is it fair to say that staff agrees with the 60 or less that that residential area would encounter under the current study?

Jim Leland: I think what the staff position is, is this. There was a noise study done for the 1988 plan. O.K. And it led in part to the configuration of the compatibility zones and it said it's generally not acceptable to have noise above 60 CNEL. And under those old studies it may have been as high as 63 on certain portions. But what was approved by the Commission when they found the City's policy plan and general plan consistent and the zoning ordinance was that the notion you could mitigate down to 60 or less and be deemed consistent. And so even though under the old study there may have been noise higher than 60 on a portion of area E, if mitigation were in place down to 60 or less, it was deemed consistent. And so the staff continues to honor that precedent that has been set. Now there are subsequent noise studies and there'll be more. The master plan will generate new noise studies. Every time there is a major residential development someone does a noise study. But we are not, we can not take those into consideration. We are dealing with the noise studies and the policies on how to interpret and implement them from the '88 plan until it's amended by the Commission. Thank you.

Commissioner Stockard: How far out is the master plan from completion?

Jim Leland: I'm going to guess, I haven't discussed this with Andy, but I'm going to guess because they haven't done CEQA yet that it's six months to a year out.

Chairman Schoch: Any other questions?

Jim Leland: I would be remiss as a staff member if I didn't make this observation also in response to that question. In 1988 the airport envisioned they wanted instrument approach. So beginning in '89 they could have come forward. They could have come forward in the '93 master plan amendment. 19 years have gone by and they are beginning to come forward. So some of the characterization of the organization trying to rush this thru don't match the facts that they've been waiting 20 years for a master plan that would attempt to implement precision approach. In the meantime these developments have been approved by the Commission, partially developed, undergone responses to market changes, life has gone on.

Chairman Schoch: If there are no further questions, I'll entertain a motion.

Commissioner Vancil: I'd like to make a comment if I could Mr. Chairman.

Chairman Schoch: Go ahead.

Commissioner Vancil: When you look at the 1988 plan and the noise issue I very much appreciate the extra effort that Westrust has put forward and the City of Vacaville. I think the City of Vacaville has got many things very right in the development in this area. The business park is a success and the Nut Tree Airport is a success and they go hand in hand. However I think on the issue of adding the residential development to be such, when you look at this plan right now it exceeds, and the paperwork I've seen from the proposal from the City they've come up with ... It exceeds 60 decibels and they've put forward a mitigation plan which I think is a little bit questionable. And on that basis I would rule that this is not consistent with the airport land use plan for Nut Tree Airport based in 1998. I think the bigger issue though is that I'm hearing a lot of tones of cooperation. I think, I'm very excited about the proposal for the Nut Tree. I think it's got a lot of good things in it that do lend themselves to the airport. The hotel and convention center I like. I was out today and looked at the retail section along the highway and I think that although it got to a slow start it seems to be quite successful now. I think it's picking up business there. So I think there are a lot of good things in this plan. But the noise issue with the residential housing I think in itself does not comply with the 1988 plan that we have in effect.

Chairman Schoch: Do you consider that a motion?

Commissioner Vancil: If you like I could take that on to a motion that we find this proposal does not comply with, is not consistent with the compatibility plan of the Nut Tree Airport from 1988.

Commissioner Potter: Second

Chairman Schoch: It has been moved and seconded. Any further discussion on this issue?

Commissioner Seiden: Mr. Chairman?

Chairman Schoch: Yes?

Commissioner Seiden: Several things, notes that I've taken while members of the public were speaking and so forth. And while I and I suspect all of us have a great deal of sympathy for some of the comments, we are I believe constrained by what we are allowed to do under the auspices of the Cal Trans plan for land use commissions. I do not accept that this project is being rushed. It has been many years in process. And comments like that probably don't bear as being very truthful. There are however some problems and where it lies is what we as an ALUC I believe at least are compelled to do by our mandate and visa vie the City of Vacaville and it's planning process. It isn't, I believe, up to us to determine whether or not residential is built in the vicinity of the airport. I would personally say it's extremely unwise to do. But

that doesn't mean it's my purview to say that it's not allowed. Unwise and not allowed are not the same thing. In so far as an approach to the runway and missed approach procedures as so forth there are many other there are many of us in this room that have a lot of aviation experience and do understand that missed approaches are designed for exactly the kind of things we're looking at, at the Nut Tree. In that case, for instance, there would probably be a climb to a certain altitude, proceed to a certain distance measuring equipment in other words a certain distance down that runway prior to making any turn and thereby avoiding over flight of the residential (not intelligible). Again I state, I'm tremendously adverse to the idea of putting residential there. But I don't believe it's our prerogative to simply say that it cannot go there. I am curious what the actual distance in the runway centerline is of the residential. Does anyone have that information? I'm sure it's all plotted out. Someone in the audience: 750 feet

Commissioner Seiden: 750 feet from runway centerline? That's just scary to me, to be honest. We don't have any ability to mandate open space. We can urge it. We can ask the city planners in Vacaville to please, please, please take it into consideration. But it is actually not our prerogative to mandate it. Not according to what I read. I have a long history with the Nut Tree Airport as well. My dad taught Ed Power how to fly in 1946. So I've been attached to this area since I was born. I find that from what I've heard and the arguments in both directions that I will have to vote against the motion to deny.

Chairman Schoch: We have a motion on the floor and it's been seconded. If we have no further discussion I'll call for the vote on that motion to deny. Ms. Buschman will you call roll?

Diane Buschman: Commissioner Stockard

Commissioner Stockard: No

Diane Buschman: Commissioner Potter

Commissioner Potter: I vote for the motion as stated which denies it's (not intelligible) consistent.

Diane Buschman: Commissioner Baldwin

Commissioner Baldwin: Yes

Diane Buschman: Commissioner Baumler

Commissioner Baumler: Yes

Diane Buschman: Commissioner Seiden

Commissioner Seiden: No

Diane Buschman: Commissioner Vancil

Commissioner Vancil: Yes

Diane Buschman: Chairman Schoch

Chairman Schoch: No

Diane Buschman: There are 4 yes and 3 no. Can I retake that?

Chairman Schoch: Confused on what they, how we're voting? O.K. I'll restate it and correct me if I'm wrong. But the motion was it would be denied as inconsistent and it was seconded. O.K. so if you say "yes" you are denying it.

And if you say no the motion is dead. Do you want a recount? Please call the roll again.

Diane Buschman: Commissioner Stockard

Commissioner Stockard: No

Diane Buschman: Commissioner Potter

Commissioner Potter: Yes

Diane Buschman: Commissioner Baldwin

Commissioner Baldwin: Yes

Diane Buschman: Commissioner Baumler

Commissioner Baumler: No

Diane Buschman: Commissioner Seiden

Commissioner Seiden: No

Diane Buschman: Commissioner Vancil

Commissioner Vancil: Yes

Diane Buschman: Chairman Schoch

Chairman Schoch: No

Diane Buschman: four "no" and three "yes"

Chairman Schoch: O.K. so the motion dies. O.K. so...

Commissioner Stockard: Can I say something?

Chairman Schoch: Yes

Commissioner Stockard: I would hope in my no vote my hope would be that there would be cooperation between the developer and the airport and the City of Vacaville to adjust the positioning of the residential units. I'd hate to kill the cooperative that's been done so far. But I think it needs more cooperation.

Chairman Schoch: Thank you.

I'm going to go on a legal, the motion to find it inconsistent failed. O.K. now can we assume that it passed and it's consistent now or do we need to have another motion and take another vote?

Lori Mazzella: Yes, you need another motion.

Chairman Schoch: O.K.

Commissioner Seiden: Mr. Chairman I would move that we find the Nut Tree Ranch proposal to be compliant with the airport land use compatibility plan of the Nut Tree Airport.

Commissioner Baumler: Second

Chairman Schoch: it's been moved and seconded. Is there any further discussion by the Commission? O.K. I'm going to call for the vote. Secretary call the roll.

Diane Buschman: Commissioner Stockard

Commissioner Stockard: Yes

Diane Buschman: Commissioner Potter

Commissioner Potter: No

Diane Buschman: Commissioner Baldwin

Commissioner Baldwin: No

Diane Buschman: Commissioner Baumler

Commissioner Baumler: Yes

Diane Buschman: Commissioner Seiden

Commissioner Seiden: Yes

Diane Buschman: Commissioner Vancil

Commissioner Vancil: No

Diane Buschman: Chairman Schoch

Chairman Schoch: Yes

Diane Buschman: Four to four? No, Four to three.

Chairman Schoch: So it carries?

Lori Mazella: No, no you need a majority of the quorum or a majority of the members. There are eight members so the way we calculate it you would need five votes to carry any motion. So if, so that motion didn't carry either. And I think just to look a couple of minutes in the future we're not going to have a motion that is voted on by five members. What's going to happen is that there will be no action today. And it will be deemed consistent at some point if there is no action by the 29th.

Chairman Schoch: O.K.

Commissioner Potter: Before we consider adjourning, each member received a copy of the markup of the Bylaws. I understand that staff really hasn't had a change to review that nor has counsel, but it's a starting point to revise the Bylaws as we discussed at the last meeting. I'd like you to take a look at it. It's a starter we may not get to it in the next meeting or so but that is beside the point. We ought to start now. I'd appreciate your comments by e-mail if you want to discuss any of the paragraphs.

Commissioner Seiden: I would just like to, before we do conclude, again add the comment that, well add to the comment Commissioner Stockard gave and that is that this has gone to a negative from our perspective tonight but if because of legal circumstances we'll actually be approved. It would be my greatest wish that the City could go back and that Rick you could sit down with the City and reconsider the idea of residential. I agree with most of the pilots that testified that it, in the long term can be a killer for the airport even though the first people that move in certainly will understand what they're

getting into. I urge the continued cooperation of both the City and the County in a really equitable fashion.

Chairman Schoch: Staff?

Jim Leland: Mr. Chairman, if I may, just one item on Commissioner Potters Bylaws. I'd mentioned to Commissioner Potter I would schedule this at the earliest appropriate time to come back for a hearing before the Commission. He invited me to enter into a dialog by e-mail and I think what he meant was you can't have a discussion amongst yourselves by e-mail. So I would suggest if you have comments you send them to the staff. We will not respond to your individual comments. We will just compile them for the hearing when it is set.

Commissioner Potter: Right

Jim Leland: O.K.

Chairman Schoch: Thank you for that point of clarification. I'm going to call the meeting adjourned.

Item 8. Adjournment

The next special meeting of the Solano County Airport Land Use Commission will be held on **Tuesday, October 5, 2010**, in the Solano County Administration Center, Board of Supervisors Chambers, 675 Texas St., Fairfield, CA 94533