Solano County
Airport Land Use Commission
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Steve Vancil
Chairman

Agenda Item No. 5

SOLANO COUNTY AIRPORT LAND USE COMMISSION

MINUTES OF THE MEETING OF
October 11, 2012

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

MEMBERS PRESENT: Chairman Vancil, Commissioners Potter, Cavanagh, Seiden, DuClair and Randall

MEMBERS ABSENT: Commissioners Stockard, Baldwin and Baumler

OTHERS PRESENT: Jim Leland, Resource Management; Lee Axelrad, County Counsel; Diane Gilliland, Resource Management

Items No.
1, 2 & 3: Chairman Vancil called the meeting to order at 7:00 p.m. He stated that it had been pointed out to him that the ALUC used to have a formal approval of the agenda. He asked if the Commissioners had any comments. Commissioner Potter asked if the roll call should be taken before discussing the agenda.

Roll call was taken and a quorum was present.

Chairman Vancil asked if the Commissioners had any comments on the agenda. Commissioner Potter asked if a motion was needed to approve the agenda since this was the first time the ALUC has done this according to the bylaws. Chairman Vancil stated that the Commission would consider a motion. Commissioner Potter made a motion to approve the agenda as written with the addition of an item entitled Kaiser Helistop SID. The motion was seconded by Commissioner DuClair. Chairman Vancil asked if the Commission wished to discuss the motion. Chairman Vancil commented that he had been previously asked to put the item on the agenda. He decided against it because the Kaiser Helistop proposal was considered and approved by the Commission at the June 14, 2012 meeting. He added that the issue of the Sokoy departure was brought up and considered by the Commissioners at that meeting. Although the Kaiser Helistop had already been approved by the Commission, Chairman Vancil believed that Commissioner Potter had brought up a safety concern that should be looked at. He suggested appointing an ad hoc subcommittee of the Commissioners that reside in Vacaville to look into whether or not the FAA thoroughly investigated both the departures and arrivals when they looked at the Kaiser Helistop application.

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Commissioner Potter stated that the "chink in the armor" is the FAA letter. He didn't think a subcommittee or special committee was necessary because it is a simple question that has to be asked. Commissioner Cavanagh stated that he didn't think the issue was the letter or the approval but whether or not the Commission changes the agenda which is the motion being considered. Chairman Vancil asked Mr. Axelrad if an item can be added to the agenda without prior public notice. Mr. Axelrad replied that the requirements of the Brown Act are such that in order to have an action item on the agenda for the Commission to take action on, it would need to have appeared on an agenda that was noticed and available to the public 72 hours prior to the meeting. There are certain places on the agenda where Commissioners can request that something be agendized for a future meeting. An action by the Chair to appoint a committee is not an action by the Commission. Commissioner Potter asked Mr. Axelrad if an item could be added to the agenda if the issue at question was not an action item but discussion between staff and the Commissioners themselves and not the applicant. Mr. Axelrad responded that the only thing one could discuss within the constraints of the Brown Act are whether to agenize something for a future meeting for an action. Commissioners would not be able to discuss nor act on the matter as he believed Commissioner Potter was framing it. Commissioner Potter stated that the matter involved an omission in the June 14th minutes that have already been approved. Mr. Axelrad asked if it was the Commissioner's desire to change the minutes from a prior meeting that had already been approved. Commissioner Potter answered yes. Mr. Axelrad stated that if he had a concern about something that he felt was omitted from the minutes of the June meeting there were essentially two things that could be done. One is to state during the comments section of today's agenda which is already on the agenda that you feel something was omitted and could request that your statement to that effect be reflected in the minutes of today's meeting. The other alternative is a much more complicated version of which would involve putting it on the agenda, noticing the item and obtaining support to do so. Commissioner Potter stated that he would opt for the first and simpler alternative. Chairman Vancil asked if there was any further discussion on the motion. Commissioner Seiden noted that it sounded like counsel has advised against moving forward with the motion as it was not in compliance with the Brown Act. Chairman Vancil made a ruling that the motion was not in compliance with the Brown Act and the Commission would not consider the motion at this time. He stated that he would be willing to consider another motion. Commissioner DuClair made a motion to approve the October 11, 2012 agenda. Commissioner Cavanagh seconded the motion. The motion passed with a five to one vote.

Chairman Vancil noted that Commissioner Potter raised an issue about the safety of the Kaiser Helistop in reference to the departures and arrivals into Nut Tree Airport. He thought it would be a good idea to take a look at the issue. He noted that the ALUC looks at land use planning and is not in the business of the FAA's business of determining safety per say but that being said the ALUC's work is somewhat interrelated. He referred to a copy of a letter that the FAA had provided to the ALUC for the Kaiser Helistop project review and a copy of the sokoy departure that Commissioner Potter had provided. He asked Commissioners DuClair, Randall and Seiden if they would be willing to serve on the ad hoc subcommittee. Commissioner Seiden stated that due to his serving on another board he would have to recuse himself. Chairman Vancil believed that the subcommittee would greatly benefit from Commissioner Seiden's experience with both general and commercial aviation flight operations at the Nut Tree

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airport. If there were any issues where the subcommittee would have to deal directly with Kaiser he believed that another Commissioner could do that. Commissioner Seiden decided to offer it up to his fellow commissioners as to the appropriateness for him to serve in that capacity because of his service on the board at North Bay. If there wasn't an issue with the Commission then he thought he could go ahead and listen. Chairman Vancil stated that he would like to appoint Commissioner DuClair as chair of the subcommittee. Commissioner DuClair accepted. Commissioner Randall also agreed to serve on the subcommittee. Commissioner Seiden will act in the capacity of adviser. The subcommittee will be temporary and once their work is done it will be dissolved. The task for the ad hoc subcommittee was to make contact with Commissioner Potter to understand his concerns on the issue. He advised them to do some background investigation before they contacted the FAA. He gave them a copy of the FAA letter and information on the Sokoy departure. Their objective is to find out if the FAA looked at the Sokoy departures and other departures in addition to the approaches during their consideration of the helistop project. He noted that looking at the Nut Tree airport departures and approaches was to the benefit of the Commission as a whole because the Nut Tree Master Plan and the Nut Tree Airport Land Use Compatibility Plan will be coming before the ALUC in the near future.

Item No. 4. Public Comment

(The following is verbatim testimony)

Commissioner Potter: For the record and to cover what wasn't in the minutes of June the 14th. In those minutes there was one sentence with an otherwise good summary of the meeting and even the criticisms were in there adequately. There was one item that I thought was the most important that wasn't in there except for one short sentence that said they had a discussion; a concern for airspace. And I just want that to be in these minutes recorded that that concern focused on, minutely, the Sokoy Two departure out of Nut Tree. And the impact that the helistop would have potentially, maybe infinitesimal, but maybe on that departure. And what happens here is it's a paperwork drill. Because it takes a long time for the FAA to change a departure. It takes about a year to fully get it transmitted onto paper unless they issue a (unclear). And giving these people the heads up at the FAA that they sent a letter out absent, like you said, any discussion of this particular departure. It is an easy fix. All they have to do is, say on a departure of runway two you'd veer to the left 10 degrees and you'd clear. Right now you'd go right… within 100 yards of the helistop. If you go to the left and intercept the 251 radio out of Sacramento which is the Sokoy, defines Sokoy interception you will clear the helistop if you just go to the left 10 degrees and then intercept that 251 radio. So it's a paperwork correction for the FAA now if they choose to do so. And I want that to be in the record that this is where the concern is.

Item No. 5. Approval of the Minutes of the September 13, 2012 meeting

The minutes of September 13, 2012 were approved with corrections and one abstention.

Item No. 6. Public Hearing to consider the consistency of the Delta Wind Tower 14b project (hereafter, 'Delta Wind Tower') with the Travis Air Force Base Land Use Compatibility Plan.

Mr. Leland gave a brief summary of the staff report. Staff is recommending that the Commission determine that the Delta Wind project is consistent with the

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Travis Air Force Base Land Use Compatibility Plan with conditions of approval. The project is a temporary meteorological tower by enXco to collect data on wind in anticipation of further development of wind projects in the area. The tower is 262 feet high and is located about 30,000 feet west of the nearest runway at Travis Air Force Base. It is in Compatibility Zone D which has the requirement for review of structures over 200 feet in height. The only prohibited used are uses that may result in flight hazards, which include tall object, visual and electronic forms of interference with the safety of aircraft operations and land uses that may cause the attraction of birds to increase. For compatibility analysis we did a Part 77 review and which was referred to Travis AFB. The Part 77 review indicated that the tower is underneath the imaginary surfaces and Travis AFB had no issues with the meteorological tower. They reserve comment on any future proposal for wind turbines in the vicinity. Staff recommended three conditions of approval. They are as follows:

1. That the applicant obtain a "No Hazard Determination" under the FAA's obstruction clearance procedures.
2. Administration (FAA) Determinations of No Hazard issued in connection with the Project. Based on prior FAA determinations for meteorological towers, the Commission anticipates that the FAA conditions will include, at a minimum, the requirement that the structures be marked and/or lighted in accordance with the applicable FAA Circular. If final FAA determinations for the project do not address the need for marking and lighting, then the project shall be marked and lighted consistent with the specifications of Public Utilities Code, section 21417 (AB511(Yamada)), which are incorporated by this reference.
3. Prior to commencement of construction of the project structures, the project applicant shall file with the Airport Land Use Commission a document describing the final latitude, longitude, and height of the structure to be constructed.

Mr. Leland concluded his summary by recommending that the ALUC find the Delta Wind Tower 14b project to be consistent with the Travis Air Force Base Land Use Compatibility Plan with the conditions of approval mentioned above.

Commissioner Potter asked if there was a representative of the company to speak to the Commission. Mr. Leland noted that a representative of the applicant was in the audience. Chairman Vancil asked if there were any other questions from the Commission. Hearing none he opened the public hearing and asked Brian Sarantos, of EDF Renewable Energy, to speak.

Mr. Sarantos stated that he had been working in this area for the last few years on Shiloh III & IV as the project manager. He thanked the Commission for considering the Delta Wind Tower project and asked if the Commissioners had any questions.

Commissioner Potter asked if the geographical location of the project was outside the area defined as the Wind Resource Area (WRA)and if it was on owned or leased land. Mr. Sarantos answered that they lease the land. Commissioner Potter asked if it was a permanent mast. Mr. Sarantos answered that it was temporary. Commissioner Potter asked how long it would operate. Mr. Sarantos answered that it will operate for two years as per the conditions of the application with the option to reapply to extend the time. Commissioner Potter asked why it was located so far away from the WRA. Mr. Sarantos answered that the WRA now extends through and all the way up to I-80 into Yolo County. The

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tower will be used to determine if there are wind resources in that area. Commissioner Seiden asked if there might be any potential desire to site wind turbines in the general area north of Hwy 12 and west of Hwy 113. Mr. Sarantos answered that at this time there are no plans to place turbines north of Hwy 12. Commissioner Seiden understood that there is no current plan but with the siting of the meteorological tower there could be an interest in the possibility of putting additional turbines in the area north of Hwy 12 and west of Hwy 113. That area is much closer to Travis AFB than the existing turbines. He thought that with the past work with Travis and the radar issues that turbines in that area would raise some real concerns. Mr. Sarantos replied that enXco/EDF was part of the CREADA team and is fully vested in the success of Travis AFB. They would not do anything to jeopardize their relationship with Travis AFB or the DOD. Chairman Vancil asked if there were any more questions of Mr. Sarantos or if any other members of the public wished to speak. Commissioner DuClair asked if the tower would be generating power or if it was just a tower with a blade on it. Mr. Sarantos answered that they were putting up an 80 meter mast with data equipment to measure wind speed. There would not be a blade. Commissioner Randall asked why the sunset period two years. Mr. Sarantos stated that it was the County's ordinance. Generally they collect up to three years of data depending on the wind data they receive. There being no further questions Chairman Vancil closed the public hearing and asked if the Commissioners wished to discuss the matter. There being no discussion he asked for a motion. Commissioner Cavanagh motioned to approve the resolution that the Commission finds the Delta Wind Tower 14b project to be consistent with the Travis Air Force Base Land Use Compatibility Plan with conditions of approval. The motion was seconded by Commissioner Randall. The motion was unanimously approved.

Item No. 7. There being no further discussion the meeting was adjourned.

The next regular meeting of the Solano County Airport Land Use Commission (ALUC) will be held on **November 8, at 7:00 p.m.** in the Solano County Administration Center, Board Chambers (First Floor), 675 Texas St., Fairfield, CA 94533.

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