



Solano County
Airport Land Use Commission
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Ray Schoch
Chairman

SOLANO COUNTY AIRPORT LAND USE COMMISSION

MINUTES OF THE SPECIAL MEETING OF October 20, 2010

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

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

MEMBERS ABSENT: Commissioners Stockard and Cavanagh

OTHERS PRESENT: Jim Leland, Mike Yankovich and Ken Solomon, Resource Management, Lee Axelrad, County Counsel, Kristine Letterman, Resource Management,

Item Nos.

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 No. 4. Public Comment

Bill Sanders, 1015 Henderson Avenue, Menlo Park, CA, 94025, spoke with regard to a recent City of Vacaville planning commission meeting that addressed the Nut Tree project determination. Mr. Sanders requested that the ALUC re-agendize this item on a future agenda for additional review, but before the Vacaville city council meets on November 9th. Mr. Sanders stated that his concern is whether or not the ALUC can be guided by the current Land Use Planning Handbook or have to adhere to the 1988 version. He stated that city planning staff believes that the plans for the Nut Tree are in accordance with the planning handbook and that staff found them to be compatible with the new planning handbook.

Mr. Sanders referred to a letter from the California Department of Transportation specifically addressing the Nut Tree project and allowing the commission, given the age of the Airport Land Use Plan, to be guided by the current planning handbook. He stated that everyone is aware that the ALUC at their meeting had a simple majority, but not a super majority on their determination for the Nut Tree project, and this was also discussed at the Vacaville planning commission

meeting. He stated that also discussed at the meeting was the agenda which specifically prohibited the planning commission on taking an action on the residential housing. The way their agenda was constructed would not allow for discussing safety issues with respect to housing.

Mr. Sanders stated that they talked about housing only to say that a new noise study would allow it, but then they would not allow any one to talk about safety issues. Mr. Sanders suggested that the ALUC ask staff to use the current California Planning Safety Zones in the planning handbook and apply those zones to a city zoning map so that it can be seen where the safety zones would be if the ALUC were guided by the current planning handbook. He said that this would be very helpful to aid city staff to understand the ALUC's concern about safety at the Nut Tree Airport with respect of what the current rules should be if the ALUC had an updated planning handbook.

Mr. Sanders stated that there was some discussion at the planning commission meeting about clustering and open space. It was said that if the homes were clustered then open space could occur on the other side of the runway. He said the planning handbook talks about open space along departure and arrival routes and not parallel to the runway, so the discussion about open space was incorrect. He said if an instrument missed approach is done and a plane turns off as directed for an instrument missed approach it would in fact fly over the housing, and so it would be appropriate to consider some safety zone protection.

Mr. Sanders stated that he would very much like to have the ALUC consider having a special meeting in order to address how they would attack this situation if they could be guided by the new planning handbook. He stated that the city planning staff made their determination on their own that everything would be fine with the current planning handbook, and he believed that the ALUC would have a different opinion.

Item No. 5. The minutes of the special meeting of October 5, 2010 were approved as prepared with one abstention.

Item No. 6. **PUBLIC HEARING** to consider Land Use Compatibility Determination Application No. ALUC-10-07 of **Shiloh III** wind energy project.

Jim Leland introduced Ken Solomon who is the project planner for this project. Mr. Solomon introduced Karen Ladd with Ecology and Environment whose firm prepared the Environmental Impact Report (EIR). He informed the commission that staff is available to answer any questions with respect to the EIR.

Mark Tholke, Southwest Regional Director, enXco, appeared before the commission. He stated that this is an infill project and is adjacent to the Shiloh II wind project which was commissioned at the end of 2008. Mr. Tholke stated that this is a world class facility in terms of size, and provided a PowerPoint presentation with more detail, including the location of each individual turbine, project boundaries, economic benefits, and the CRADA Report. He stated that this project is consistent with the Travis Land Use Compatibility Plan (LUCP) as well as the Rio Vista Land Use Compatibility Plan (LUCP). He also indicated that they have received their Federal Aviation Administration (FAA) determinations of No Hazard for all of the turbines in the project.

Ben Doyle, aviation expert for enXco, provided some background information on their assessment of the project and the potential impact that the project would have on Rio Vista Airport's current operations, and about the development of a new instrument procedure to Runway 25. The information he provided to the commission was included in the EIR. He also provided additional information regarding the specifics of the project.

Commissioner Potter referred to Mr. Doyle's mention of GPS on the precision approach and said that GPS currently by itself is not a precision approach. Mr. Doyle commented that it is a GPS based area NAV LPV approach which is the precision version. He noted that there are two precision GPS based approaches and the GPS is just the signal they are getting to design the approach. Mr. Doyle did confirm that the old GPS approaches are non-precision approaches.

Commissioner Potter questioned if it is not really a precision approach until a raw system is in place in this area. Mr. Doyle stated that they could get an LPV at this airport today, and it is not dependent on any additional equipment.

Commissioner Potter stated that the applicant may want to check the AIM manual because the project is in direct conflict of what it says about this issue. Mr. Doyle stated that they have run this through the FAA and the FAA has stated that this approach will work.

Mark Tholke reappeared before the commission to finish his presentation. He stated that a question has been raised as to why the 11 towers that were shown in blue on the map are not proposed to be lowered. Mr. Tholke explained that if the towers are lowered it would be a material reduction in the amount of energy produced. He stated that the extra height is important for the production of energy and its green energy. He said it is important for the California AB32 goals. Mr. Tholke stated that in terms of the green electricity that is lost if those towers were lowered is equivalent to powering 32 homes for a year. He said to lower the towers would impact their power purchase agreement with PG&E that they have entered into for the next 20 years.

In summary, Mr. Tholke stated that this project is consistent with the 2007 Rio Vista Airport Master Plan and the Travis and Rio Vista LUCP. He stated that in order to preserve the economic and environmental and community efficiency of the wind resource they requested that the commission make a favorable consistency determination.

Commissioner Vancil inquired about the information in the EIR that indicated that some of the turbines close to Travis AFB were lowered due to Travis airspace requirements.

Dick Timmons, project manager, stated that they had to take into consideration Travis' high deck which is 562 feet. He said that in order to meet that requirement they had to use the shorter towers and this is why those towers were selected for that location. Mr. Timmons noted that there are approximately 8 towers in the plan that will stay within that region of the outer horizontal limit. He also noted that this was included in the Radar Study and was also done through the CRADA process.

Mark Tholke followed up by stating the reason it is different in terms of the economic impact is because this was planned from the beginning. He explained that their financial model is a 20 year model assuming a 20 year project life. He said the power purchase agreement with PG&E assumed a certain amount of energy would be produced and with this change of lowering these turbines it is now a reduced amount from all of the previous financial assumptions. Mr. Tholke stated that they are hopeful to break ground as soon as they can, but due to requirements in Solano County they would have to wait until the rainy season is over.

Jim Leland briefly reviewed staff's written report. He stated that this is a consistency determination that the ALUC is being asked to make and is a referral from the County of Solano for the use permit for the Shiloh III wind project. He stated that staff's analysis is based on both the Travis 2002 LUCP, as well as the 1988 Rio Vista LUCP. He reviewed the three components of the project.

Mr. Leland explained that in analyzing this project against the Travis Plan there were two issues to be reviewed which were Airspace and Other Hazards to Flight. He said that the airspace review was Part 77 analysis that caused some of the turbines to be shorter than they otherwise had planned. He said the project has No Hazard determinations for all of the turbines with respect to Travis airspace. He explained that the other hazards to flight review was different on this project from many in the past in that for the first time radar issues are not being raised because enXco took a leadership role in the development of the CRADA process and participated with the air force, and because of the things that were implemented under that process the air force has given a clean bill of health to this project.

Commissioner Potter spoke to a recent item in a Concord newsletter indicating where Travis AFB has complained to airports that aircraft are meandering in between the windmills and it is assumed that they do not have their transponders turned on and Travis complained that they are not seeing them. He asked if this is a change in what the CRADA assumed on probability of detection if in fact they are not picking up targets within that windmill resource area.

Mr. Leland stated that he believes it has always been understood that there is air traffic in the wind resource area that do not have their transponders turned on, and when that is the case under certain circumstances those targets are not picked up by Travis.

Mr. Leland referred to the map and depicted the closest turbines to Travis to be 7½ miles to the southeast and just under 2 miles to the southwest from the end of the runway at Rio Vista. With respect to airspace review for Rio Vista, Mr. Leland stated that 11 of the turbines had a presumed hazard determination initially, but after some further review between the applicant and the FAA, the FAA issued a No Hazard determination for the final 11 turbines. He said that those determinations indicated some flight procedure changes that would probably be made in order to accommodate air traffic and the turbines if this project moves forward. He said that there are also conditions of approval that the turbines be marked and lit per FAA regulations. Mr. Leland stated that staff is

recommending that the project is consistent with both the Travis LUCP and Rio Vista LUCP with the recommended conditions of approval.

Commissioner Potter spoke with regard to the latitude and longitude for each of the windmills and that it is not specified what action the ALUC can take at that point. He said there is nothing automatically provided in that condition that gives a clear direction of what will happen.

Lee Axelrad, deputy county counsel explained that the condition of approval that is recommended in the staff report provides that the applicant has to submit the final locations to the commission before the project is actually constructed. He said the requirement for submittal to the ALUC parallels a requirement that the applicant has in connection with FAA approval. He said the applicant has received an FAA approval determination of No Hazard under Part 77 that says that the FAA's determination is based on the exact information that was given to them about where the turbines will be located and how tall they will be, and the FAA notices of determination for the turbines in this project say that if changes are made the determination is void. Mr. Axelrad stated that in theory that is what happens if a turbine or structure is moved and could also have the same requirements in connection with the ALUC consistency determination.

Mr. Axelrad stated that the reason why the staff recommendation is framed as it is because as a practical matter based on past interactions with the FAA staff believes that they do not actually void the determinations for trivial relocations. At some level staff believes a change would void it, but if it is trivial it is staff's understanding that they do not automatically void it so the proposed ALUC proposed condition of determination is set up in such a way that if it is moved, but in a trivial way, it does not have to come before the ALUC. Mr. Axelrad stated that the commission could have an alternative statement that says that the ALUC determination could be void if the turbines are moved in a significant way.

Chairman Schoch opened the public hearing.

Michael Ammann, 3115 Cherry Valley Circle, Fairfield, stated that he is the president of the Solano Economic Development Corporation (EDC). He stated that their corporation supports this project for many reasons. He said that Solano County is facing an economic crisis and they would like to see this project proceed as quickly as possible. Mr. Ammann stated that sticking with this plan is very important. He said this project aligns perfectly and is very compatible with the goals of an energy cluster report which was done in cooperation with the county, the seven cities, and the Solano EDC. He stated that they have participated in a number of summits which target different industries for growth in this county and renewables as both wind and solar certainly are in those targets. He stated that their job is to attract new investment into the community. He said that they are currently working with other wind and solar utility scale types of investments, and pushing ahead on this will certainly help them in talking with those other prospects. Mr. Ammann believed that it is important to understand that the economy of Rio Vista also compliments this wind project. He said it provides skills and talents of the labor force who can also work in this new wind energy.

Andy Wilson, CalPilots, 31438 Greenbrier Lane, Hayward, CA 94544, appeared before the commission. He stated that their mission is to promote and preserve the state's airports. He said that as a statewide organization they work to maintain the state's airports in the best possible condition. He said that Calpilots has been around since 1948, and is strictly a volunteer organization. With regard to Part 77, Mr. Wilson stated that there is a new Part 77 that will become effective in January of 2011. He said that it also for the first time references wind, and wind generators. He questioned if this was taken into consideration by the project. He stated that CEQA requires that if there is a law on the book that it should be considered.

Mr. Wilson asked for the dates for both the Travis and Rio Vista LUCP that have been made reference to by staff. He stated that they would like to see no changes occur at the airport, but there have been changes and as growth occurs we keep nibbling away at the condition of the airport and that is a concern.

Jim Leland stated that the Travis plan is dated June 13, 2002 and the Rio Vista plan is dated May 1988.

Since there were no further speakers Chairman Schoch closed the public hearing.

Commissioner Seiden made a comment that it is apparent that enXco has considered Travis AFB from the beginning. He said it has been an ongoing item of concern with the developers and with the commission, but it would appear that they overlooked the potential on Rio Vista and only as a second thought went back to look at it when it was brought to their attention. Mr. Seiden stated that it is the mission of the ALUC to protect all the airports in the county and that this kind of an oversight is something that needs to be avoided in the future.

Mark Tholke reappeared before the commission. He commented that enXco has been working on this issue with the Rio Vista airport for over a year.

A motion was made by Commissioner Baulmer and seconded by Commissioner Seiden to determine that Application No. ALUC-10-07 is consistent with the Travis AFB Land Use Compatibility Plan and the Rio Vista Land Use Compatibility Plan with specific conditions of approval as amended. The motion passed unanimously.

Item No. 6. Since there was no further business the meeting was adjourned.

<p>The next regular meeting of the Solano County Airport Land Use Commission (ALUC) will be held on <u>December 9, 2010, at 7:00 p.m.</u> in the Solano County Administration Center, Board Chambers (First Floor), 675 Texas St., Fairfield, CA 94533.</p>
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