

AIRPORT LAND USE COMMISSION
MINUTES FOR MEETING OF DECEMBER 18, 2008

I. CALL MEETING TO ORDER

Chairman Whitehurst called the meeting to order at 2:10 p.m. in the Board Chambers on the third floor of the Merced County Administration Building, located at 2222 'M' Street, Merced, California.

II. ROLL CALL OF COMMISSIONERS

Commissioners Present: Tony Whitehurst, Chairman
Frederick Honore, Vice Chairman
Gail McCullough, Commissioner
Al Romero, Commissioner
Scott Malta, Commissioner
Ron Elliott, Commissioner
Rick Eason, Commissioner

Commissioners Absent: None

Staff Present: Robert A. Lewis, ALUC Secretary
William Nicholson, ALUC Staff
Kim Anderson, ALUC Recording Secretary

Legal Staff: Robert Gabriele, ALUC Legal Counsel

III. APPROVAL OF MINUTES

MOTION: M/S McCullough - Malta, and carried by a unanimous vote of 7- 0, the Commission approves the minutes of March 30, 2008.

IV. CITIZEN COMMUNICATIONS

None

V. NON-HEARING ITEMS

None

VI. GENERAL BUSINESS

- A.** Discussion on the Airport Land Use Compatibility Plan Update Funding and the 10 percent matching funds required for the CalTrans Grant application.
ACTION: Adoption of Resolution of Application.

An 18 minute DVD was shown to the ALUC Commissioners titled "California's General Aviation Airports: Links to Vitality".

Bill Nicholson, ALUC Staff, said, "Previously, the ALUC approved applying for the grant with CalTrans Division of Aeronautics for the purpose of updating the Airport Land Use Compatibility Plan in the amount of \$250,000 and every CalTrans grant has a 10% local match requirement which is \$25,000 from Merced County Airports.

CalTrans held up the ALUC Compatibility Plan Update due to lack of state funding, but they've funded it now and Merced ALUC is on the list this year. CalTrans is now waiting for a short application form and a Resolution that the ALUC Commission adopts in order to release funding. The format for the Resolution has been included in the Commissioners packets which was supplied by CalTrans, and included is the 10% match. So the 10% match is needed by the five established Merced County Airports in the amount of \$5,000 each. There has been written confirmation from the Los Banos, Castle and Merced Airports contributing \$5,000 each. Turlock Airport expressed their desire to pay only \$1,000 and Gustine Airport offered \$500. There are hopes that this issue will be resolved today with something that works for all. If the issue isn't resolved today, the ALUC may hold a special meeting in February to vote on this Item to confirm the 10% match requirement for the CalTrans application with the State. The issue today is whether to go for the grant or not."

Robert Lewis, ALUC Secretary, stated, "There is a shortfall of \$8,500 that is still needed, so there needs to be some discussion on how to resolve the issue."

Tony Whitehurst, ALUC Chairman, asked, "Has there been any formal action by Merced County to underwrite the amount other than through Castle?" Mr. Lewis answered, "No."

Chairman Whitehurst thanked Commissioner Malta for his assistance in contacting the other Airports and is pleased at the response from Los Banos, Castle and Merced Airports and is glad that Gustine and Turlock have both committed some level of funding.

Commissioner Ron Elliott asked, "Could the study be done for less money." "Is the cost negotiable?" "What agency is preparing the update?"

Mr. Nicholson explained that the estimate came from Shut-Moen and the estimate was approximately \$50,000 per airport. The State decides who gets funded and they put a priority to Airport Land Use Commissions that we are going to do a Comprehensive update of their full plan Countywide and not implement an airport by airport plan. The County's plan that was adopted in 1999 was based on an old handbook that was adopted in 1993, so there are a different set of rules. One problem that the State had if we didn't update all airports was that some airports would be under rules that are outdated and other airports would be ruled by new regulations. Our submittal to the State was a full five airport update. In terms of cost, more than likely the cost won't change. These plans are subject to Environmental Review so the cost of \$250,000 will likely remain.

Commissioner Malta added that Shut & Moen and Mead & Hunt are together now as the same company.

Commissioner Honore asked, "Is there was any way the County could come up with the final \$8,500 as a loan to get the ALUC plan update started?"

Chairman Whitehurst said, "Since that has not been pursued, that could be on the list of options to get the remainder of funds to go to the County and ask."

Commissioner Rick Eason asked, "Is the level of work equal for the five airports?"

Chairman Whitehurst explained that they asked for a 10% match and discussed options for formulating each airports responsibility and there is no one formula, size and activity revenue generated could be built into a formula. Castle and Merced could provide a greater amount of funding. We would like to utilize grant money, but have yet to develop a firm estimate of cost for the project.

Mr. Nicholson said, "The ALUC packet includes a table that shows the different airport land use plans funded."

Commissioner Gail McCullough asked, "What is the time limit for putting in the application to CalTrans?"

Mr. Nicholson said "There is no deadline, but they would like to meet in February to have an update and possibly come up with the \$8,500 needed to get the application submitted. We don't want to let this linger for months."

Commissioner Malta added, "The size of an airport and the Community around it is immaterial to the cost of doing a new plan."

Chairman Whitehurst said, "I hope to agree upon a resolution to be submitted to indicate our situation and intent to do the update."

Mr. Lewis stated, "The Resolution is a boilerplate received by CalTrans. We need a commitment to come up with the 10% match. Another suggestion could be that each individual City comes up with more instead of asking the County. I recommend continuing this item to February since the 10% match for funding commitment has not been met."

Robert Gabriele, County Counsel, stated, "The Commission can't adopt the Resolution today since the commitment has not been met."

MOTION: EASON – MCCULLOUGH AND CARRIED BY A VOTE OF 7 – 0, THE COMMISSION AGREES TO TABLE THE RESOLUTION UNTIL IT IS DETERMINED WHETHER OR NOT THE 10% MATCH COMMITMENT CAN BE REACHED.

MOTION: MALTA – WHITEHURST, AND CARRIED BY A VOTE OF 7 – 0, THE COMMISSION REQUESTS THE COUNTY STAFF TO CONTACT THE COUNTY BUDGET OFFICE AND OTHER CITIES TO POSSIBLY UNDERWRITE THE ADDITIONAL \$8,500 NEEDED TO MEET THE 10% LOCAL MATCH.

Chairman Whitehurst excused himself from the remainder portion of the meeting. Commissioner Al Romero took over as Chairman.

- B. Discussion and possible action on a special Castle Airport Right-to-Aviate notice to be signed by property owners located within the Airport Land Use Compatibility Plan area of interest for Castle Airport activities.**

Robert Lewis, ALUC Secretary, discussed the purpose for the special Castle Airport Right-to-Aviate notice. The language would be similar to what is stated in the existing Airport Land Use Compatibility Plan. The proposed draft and original notice are included in the ALUC packets.

Commissioner Gail McCullough asked Commissioner Malta “Does this have anything to do with the military flight school?”

Commissioner Scott Malta said “The purpose is multifold. This is a large airplane airport with high volume traffic although people only see little planes now. Property owners in the area can get a little agitated with the noise, so the notice is to inform the property owners of what is going on in their area.”

Commissioner Frederick Honore asked, “Is this notice put on property owner deeds and how would you get someone to sign this notice?”

Mr. Lewis asked Bill Nicholson to hold up a colored map of Castle showing the area of property owners that will receive notification. Mr. Lewis explained, “For example, if a property is located within the yellow area on the map, when a property owner comes to get a building permit, we will hold the permit until they read and sign the Right-to-Aviate notice. The notice only defines the activities happening at the particular airport.”

Commissioner Ron Elliot asked, “Can you explain the differences specifically?”

Mr. Lewis answered, “We are talking about the unique aircraft activities with the aircrafts going on at Castle Airport. There will be large commercial aircraft, flights and military aircrafts. Those types of activities don’t happen at Turlock, Los Banos or Merced. Castle Airport desires to put people on notice that these activities are happening to prevent someone from saying they never knew about these activities. The property owners can understand what the encumbrances are by living near this airport.”

Commissioner Malta stated, “It is the proposal to add the Right-to-Aviate notice. They hear frequently that the property owners don’t know what is going on at Castle. Castle airport is fairly quiet. There could be increased activity and we felt it would be better to inform the property owners what could go on at the Castle Airport.”

Commissioner McCullough stated, “It is appropriate that the modification in the disclosures is added so a property owner can’t say they had no idea a certain activity was going on at the Castle Airport. I would like to see it approached in a way that property owners will not be scared.”

Commissioner Elliott asked, “Is this coming up because of something that happened in the past, or are we just looking into the future?”

Commissioner Malta answered, "There is no specific activity that we are anticipating, just problems like these raised in today's video. We believe that Castle will be a large Commercial Airport, and at the same time we have the military exercises coming to the Castle Airport a few times a year and that can cause concern from the property owners nearby. People don't always grasp that there will be an airport in their area."

Commissioner Honore asked, "Will there be a situation for the property owners that signed the original Right-to-Aviate notice?"

Mr. Lewis answered, "This is not an easement, there is a notice and so what the notice is doing is being more defined to what activities are happening at Castle Airport, so that a property owner is put on Notice to what is happening around their property."

Commissioner Rick Eason asked, "When was the current notice drafted and put into use?" He also suggested we send copies of the new easement to the Cities of Merced & Atwater.

Bill Nicholson, ALUC Staff, stated, "The plan was used by Merced County/Castle Airport and adopted in 1999 by the ALUC as part of the Airport Land Use Compatibility Plan."

Commissioner McCullough asked, "What happens if the property owner does not agree to sign the Right-to-Aviate notice?"

Mr. Lewis said, "The owner would not be able to obtain a building permit."

MOTION: HONORE – MCCULLOUGH, AND CARRIED BY A VOTE OF 6 – 0, (COMMISSIONER MALTA RECUSED HIMSELF FROM VOTING) THE COMMISSION ADOPTS THE NEW RIGHT-TO-AVIATE NOTICE FOR CASTLE AIRPORT DATED DECEMBER 11, 2008.

- C. Review of the February 2008 Draft of the Castle Airport Airfield Development Concept Plans for the Interim/Near Term and the Ultimate/Longterm Development produced by Mead & Hunt.

Commissioner Scott Malta explained the maps showing the Interim/Near Term and Ultimate/Longterm Development to the Airport Land Use Commissioners.

Robert Lewis, ALUC Secretary, states, "The Commission has to make a finding that this is compatible with the current Airport Land Use Compatibility Plan."

V. COMMISSIONERS COMMENTS

None

VIII. ADJOURNMENT

There being no further business, the meeting adjourned at 3:40 p.m.