

# **REVISED MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION VIRTUAL MEETING OF May 14, 2020**

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

MEMBERS PRESENT: Commissioners Cook, DuClair, Sagun, Seiden, Vancil, Meyer (via WebEx) and Chairman Randall

MEMBERS ABSENT: Commissioner Sarna

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

---

## Call to Order & Roll Call

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

## Approval of the Agenda

The agenda was approved as prepared.

## Approval of the Minutes

On a motion made by Commissioner Cook, seconded by Commissioner Vancil the Commission approved the minutes of the meeting of April 9, 2020 as prepared.

## Reports from Commissioners and/or Staff

Chairman Randall commented that the Delta Stewardship Council has invited the ALUC commissioners to be involved in the planning process. Currently, Commissioners Seiden, Sarna and Chairman Randall are participating. Chairman Randall requested volunteers and asked Commissioner Sagun if he would participate. Commissioner Sagun confirmed that he would participate.

## Items from the Public

There were no items from the public.

## Consent Calendar

Chairman Randall opened the public hearing for public comment. Since there was no one from the public wishing to speak via WebEx or present, the public hearing was closed. A motion was made by Commissioner Sagun to approve the Consent Calendar and seconded by Commissioner Seiden. A motion was made by Commissioner DuClair and seconded by Commissioner Cook to close the hearing.

## Old Business

There was no old business to discuss.

## New Business

### **1. Airport Land Use Commission Policy and Procedure Discussion**

Principal Planner James Leland presented a staff report outlining policies regarding the operation of the commission, conduct of the commission and the role of commissioners in general.

Chairman Randall noted that this discussion is an opportunity for the commissioners to ask questions regarding policies and procedures.

Mr. Leland stated that lists for the Wind Power Committee and the Wildlife Hazard Committee will be made available to the commissioners in response to a question from Commissioner Meyer.

Commissioner Cook asked questions about the process to determine which projects were brought before the Commission. She specifically referenced the Hay Road Landfill expansion and its environmental impact report (EIR) as an example where staff, not the Commission, made the determination that the project was consistent with the Travis Land Use Compatibility Plan. She asked why this project was not brought before the Commission to make that determination since the project had two potential aircraft safety hazards, e.g. risk of increased bird strike hazards, and night operation lighting, and involved expanding a landfill that is in line with the approach path to TAFB runway.

Additionally, she and the Chairman were approached by a Travis Air Force Base official regarding concerns with this project – another reason to have it come before the Commission. She referenced the Hay Road EIR, which states the ALUC is responsible for development review and establishment of policies and guidelines to protect the public within 2.3 miles of Travis Air Force Base. She also referred to California Code, Article 2.5, Airport Land Use Commission regarding the powers and duties of the ALUC to assist local agencies in ensuring compatible land uses in the vicinity of all new and existing airports and the Commission's authority to adopt rules and regulations to carry out its responsibilities. Referring to these documents, Commissioner Cook noted that the ALUC can establish procedures so that projects, such as the Recology Hay Road Expansion, could be brought to the Commission for review, even if there was no statutory or legal requirement to do so. In conclusion she wanted to know what can be done to ensure a project like this is presented to the commission for review.

Mr. Leland responded to Commissioner Cook's questions. He explained the ALUC only reviews general plan amendments, which include specific plans and re-zonings. He advised that the law is designed to let a local agency carry out airport compatibility plans and that once the zoning is consistent with the general plan, local municipalities can issue minor permits consistent with airport compatibility plans without Commission review. He commented that the Recology Hay Road expansion was a revision to a use permit, which is not mandated in the Travis Land Use Compatibility Plan to go before the Commission. Mr. Leland also noted that prior practice regarding comments received from Travis Air Force Base staff has been to consult with the Chairman, who could then coordinate a response from ALUC staff. Specific to the Recology Hay Road expansion project, Mr. Leland provided that County staff followed the Travis Plan by requiring a Wildlife Hazard Assessment for the project, which found no significant effect on the air base.

Bill Emlen, Director of Resource Management, speaking via WebEx, advised the commission not to discuss this issue further as it was not on the agenda. He stated there may be opportunities for this type of item to be reviewed by the Commission as an informational item but he would defer

to legal counsel. He confirmed that Mr. Leland followed the correct procedures for this project. In response to a question from Mr. Emlen, Lori Mazzella, Deputy County Counsel, responded that there is no legal requirement for an item such as the Recology Hay Road expansion use permit to be presented to the ALUC. She also noted that these items can be brought to the Commission at an informational level with caution since the Commission does not have authority to act on such items.

Commissioner Sagun commented that staff could provide a report and/or present informational items of interest to the commission and noted that the commission could "agendaize" items of interest for further discussion.

Mr. Leland noted that the commission members could also be placed on the distribution list for all agendas and reminded everyone of County Counsel's recommendation to not place items on the agenda for discussion that are not eligible to come before the commission.

Commissioner Vancil thanked County Counsel and Mr. Leland for preparing the staff report for discussion. He commented that in between Commission meetings, the correct process is for the chair to be responsible for engaging with county staff or outside agencies that want to address the ALUC. He further noted that Commissioner Cook's concerns have been discussed with staff. Commissioner Vancil commented that the commission can place an item on the agenda for discussion with direction from County Counsel and staff.

Commissioner Seiden noted that the state provides the parameters the commission is authorized to address and that the commission has no authority over those items that do not fall within those parameters.

Commissioner DuClair noted that the Board of Supervisors sometimes gives permission on projects brought before them when clearly the project should be presented to the ALUC.

Chairman Randall noted that if the commission presents a question to staff and it falls within the parameters of the Travis Plan, then there is no reason to move forward since whatever has been asked has been answered.

Commissioner Cook commented on her concerns with the process and offered to meet with Mr. Leland afterward to discuss the Recology EIR.

There was continued discussion regarding this topic.

Commissioner Sagun requested that the bylaws be published on the website.

Chairman Randall noted that the established procedure in place is to place a topic on an agenda should a commissioner become aware of information that might be relevant to the commission.

Mr. Leland suggested that the procedure described could be drafted for the chairman's review and placed on the June agenda for discussion and adoption. In response to Commissioner's questions if such an action would amend the bylaws, Mr. Leland noted the Commission can adopt a procedure, which is not part of the bylaws.

Commissioner Sagun noted it would be beneficial to have a list of the subcommittees, subcommittee members and the mission statement of the subcommittee with a possibility of posting to the website. He continued that there should be guidelines for the commissioners to follow when they meet with applicants or anyone else regarding projects; and the meeting should

be memorialized in a report to include who was present and the general subject of discussion. It was suggested to create draft guidelines to add to the next agenda for discussion. In response to a comment from Mr. Emlen, Commissioner Sagun agreed that creating a record by memorializing such meetings in the Commission's meeting minutes would be sufficient.

Commissioner Seiden stated that the prior discussions were varied in opinions, including commissioners receiving permission from the commission when meeting with outside persons. He agreed that the commissioners should advise when they have met with an outside source or applicant.

Chairman Randall noted that if a commissioner met with someone, the appropriate time to advise the Commission would be during the "Reports from Commissioner and/or Staff" portion of the agenda.

In response to Commissioner Sagun's question regarding the creation of a serial meeting if multiple subcommittees met with the same body on an item to be presented to the Commission, Ms. Mazzella commented that if there is not a quorum, then it is not a serial meeting. She continued that secondly, if there are two separate meetings, separate and distinct from each other, and the number of commissioners at each meeting could become a quorum then it might be of concern if information is provided to one group and not the other.

Commissioner Sagun mentioned that the commission needs to be aware that this potential exists. He also noted that the subcommittees should communicate to the Commission that meetings have occurred so that the Commission can comply with the Brown Act. Commissioner Sagun suggested that if meetings are scheduled outside of the regular Commission meetings, there should be information sharing as to what meetings are scheduled.

## **2. Election of Chairman and Vice-Chairman**

Chairman Randall thanked the commission for his time as chairman. He recommended Commissioner Seiden as chair and Commissioner DuClair as vice-chair.

Commissioner Vancil nominated Commissioner Seiden as chair. Commissioner DuClair made a motion to close the nominations and Commissioner Vancil seconded the motion. Commissioner Seiden accepted the nomination. The vote was unanimous.

Chairman Seiden opened the nomination for vice-chair. Commissioner Sagun made a motion for a unanimous vote to accept Commissioner DuClair as the vice-chair and to close the nomination. Commissioner Cook seconded the motion. Commissioner DuClair accepted the nomination.

## **Adjournment**

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