

Dear Fellow Commissioners,

In preparation for discussing Policy and Procedures at the November 12 ALUC meeting, I'm forwarding the following information I provided Chair Seiden regarding procedural concerns I had from our May meeting discussion.

First item: What is the best way to handle aviation safety related concerns brought up to a commissioner regarding one of Solano County's airports?

I'm advocating for having commissioners bring such concerns up under "commissioner comments" at an ALUC meeting and make a request to agendaize the matter. If supported by a majority vote, then it gets added to the next month's ALUC meeting agenda. Very straightforward and immediate. This practice is also supported by the By-Laws.

I believe staff was wanting all information funneled through "chair and staff". Other Boards and Commissions bring matters up at meetings. I believe we want members of the public and local leaders to be able to come to us in our capacity as Airport Land Use Commissioners when they have concerns about a project impacting airport safety. In turn, we should be timely in responding.

[Note: The update in our Nov packet recommends taking item to chair and staff first, but allows for the item to be heard by the commission after a determination by them, potentially delaying review of item a month or two]

Second item: Ensuring projects with potential safety impacts at one of our airports are brought before the ALUC as either a mandatory or advisory review

I want to share with you my rationale for having projects like the "Recology Hay Road Landfill proposed expansion project and Subsequent EIR" reviewed by the ALUC. I have excerpted the specific paragraphs from the California Airport Land Use Planning Handbook (CALUPH) and the Travis AFB Land Use Compatibility Plan (TLUCP) that make the case that the project should have come before the ALUC at least as an "advisory" item.

From the "California Airport Land Use Planning Handbook", Chapter 6, ALUC Review of Local Actions:

(Page 6-1) 6.2.1 *Intro*

...Fundamental responsibilities assigned to ALUCs by State Aeronautics Act (SAA) is to review ...local actions for compliance with the criteria and policies set forth in the commissions' adopted ALUCPs....

Mandatory review for some actions and "voluntary in others"

(Page 6-4) 6.2.3 *Other Action Potentially Subject to ALUC Review:*

Historically, state law required all local plans, projects and other actions....but that became burdensome... [now] once a Land Use compatibility plan is in placethere is limited need for ALUC review. [but it doesn't preclude it]

Note: We as an ALUC can mandate that certain major land use actions continue to be submitted for review based on factors that can impact Airport safety. (we may want to consider this)

(Page 6-6) *Non-Mandatory ALUC Project Reviews Are Advisory.....* [There is clear guidance when the review is not mandatory that it is advisory]

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"ALUCs are encouraged to comment on projects that might raise compatibility implications even when the projects are not required to be referred to the ALUC for a compatibility determination."

"CEQA documents circulated to ALUCs when a compatibility determination is not required should be considered the same as other voluntary referrals. They provide an opportunity for ALUCs to offer guidance to ensure the highest level of compatibility. In these circumstances, ALUCs may offer comments on the CEQA document as an agency with expertise but have no authority to disapprove the project." (An excerpt of the draft SEIR could've been shown to us for information)

There is a consistent message in the CALUPH of matters that are consistent with compatibility plans, that can still be brought to the ALUC for review in an advisory capacity.

From the Travis AFB Land Use Compatibility Plan, Chapter 6, **ALUC Review Procedures:**

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6.1.3 Principal Compatibility Concerns include:

....

2) Land use safety - the risks....associated with accidents near airports and military airfields.

3) Protection of airport and military airspace from hazards to flight....

....

6.1.4 Types of Actions Reviewed

(a) Actions which Always Require ALUC review..... (not applicable under this section)

(b) Other Land Use actions Subject to Airport Land Use Commission Review -

(2) After a local agency has revised its general plan ...for consistency with the LUCP.....the ALUC no longer has authority under state law to require all actions, regulations, and permits be referred for review. However, the ALUC and the local agency can agree that the ALUC should continue to review individual projects in an advisory capacity.

*(i) The ALUC requests local agencies to continue to submit major land use actions as listed in Policy 6.1.4 (c). **ALUC review of these types of projects can serve to enhance their compatibility with airport activity.***

(a) For the Travis AFB AIA, ALUC review is requested only for actions that concern locations within Compatibility Zones A, B1, B2, C, D and ALZ (Note: Hay Road Land fill is in B2 and C) [ALUC review is Advisory only]

*(c) Major Land Use Actions - The scope or character of certain proposed major land use actions, (below) is such their compatibility with military airfield activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full military airfield compatibility evaluation at the time ...the plan was reviewed. To enable better assessment of compliance with the compatibility criteria set forth in the LUCPs, **ALUC review of these actions may be warranted.***

Note: The TLUCP was updated and approved October 2015, and part of the update was required due to new stricter rules related to Bird Strike Hazards. The fact that this project is expansion of a landfill, with potential to generate increased bird strikes, could've been enough justification to have the matter come before the ALUC in accordance with the TLUCP.

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(1) Actions affecting land uses within the AIA (Airport Influence Area).

(i)

.....

(vi) Any project having the potential to attract hazardous wildlife to the vicinity of Travis AFB.

(vii) Any project having the potential to create electrical, operations or visual hazards to aircraft in flight, including:

...(v) lighting that could be mistaken for airport lighting,

...(Any proposed projects within the Bird Strike Hazard Zone, concerning wildlife hazards,with or without mitigation.

Lastly, the project went to the Planning Commission with no review by the Airport Land Use Commission. The Planning Commission agenda report says "ALUC staff reviewed the project and found it consistent with the TLUCP". The meaning I found in the California Handbook and the TLUCP when ALUC review is needed for a compatibility determination is referring to the commission, not staff, on behalf of the ALUC.

This is the extent of support I found under "ALUC Review provisions" for why the Hay Road project should've come before the ALUC. There are many references in both documents that not only allow for it, but they encourage it. I think it's instructive to learn from this example. There will be further landfill expansions and other projects with safety implications.

Best Regards,

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