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**ALUC-20-**(Airport Land Use Commission Policy and Procedure Discussion)

Discuss policy questions regarding general principles and procedures of how the Commission operates including the process for add items to the Commission Agenda for discussion, the status of Commission Committees and direction on future Commission discussion topics.

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Published Notice Required? Yes  No   
Public Hearing Required? Yes  No

**RECOMMENDATION:**

Staff recommends that the Commission conduct a discussion on general principles and procedures of how the Commission operates, including:

1. the process for adding items to the Commission Agenda for discussion,
2. the status of Commission Committees (Ad Hoc), and
3. providing direction on future Commission discussion topics.

**INTRODUCTION**

The Commission, at the May 8, 2020 Regular Meeting, held a discussion pertaining to legal factors affecting Commission operations and certain Commissioner protocols. The item was discussed in general terms. Two matters which were discussed did not yield a definitive conclusion, namely, the current status of the two Ad Hoc Committees and the method for placing items on the Commission Agenda for consideration (See Attachment A - Staff Report and Attachment B - Minutes from May 14, 2020).

The Commission, at its October 8, 2020 Regular Meeting asked staff for a discussion item on Commission policies and procedures for consideration at the next Regular Meeting (See Attachment C - Minutes from October 8 2020).

**DISCUSSION**

**Process for Adding Items to the Commission Agenda**

Applicable Provisions from the Bylaws

The Commission has adopted Bylaws (See Attachment D) which provide structure and rules for how meetings are to be conducted and address other aspects of administration, including a basic outline of the duties of the Chair and the Secretary as provided below:

*Role of the Chair*

The Bylaws essentially provide that the Chair presides over the meetings and carries out all duties required to perform that activity. In addition, the Chair consults with staff on items on the agenda. The Chair is also responsible to appoint members to committees.

### *Role of The Secretary*

The Bylaws designate the Director of Resource Management as the Secretary of the ALUC. The Secretary provides professional and technical advice to the Commission and carries out the administrative functions.

### *Adding Items to the Agenda*

The Bylaws (Section 5.07) also address how items may be placed on the Commission Agenda, as follows:

**5.07. Scheduling Agenda Items.** During preparation of the agenda, the scheduling of items on the agenda shall be the responsibility of the Clerk after consultation with the Chair and, if necessary, the Commission.

The Chair, or by majority vote the Commission, may direct an item to be scheduled, or change the order of agenda items.

In order to accommodate the option for the Commission to add an item to the agenda, staff suggests that the following policy be implemented:

Any Commissioner may contact the Chair and submit a request to agendize an item on an upcoming agenda. If the Chair concurs with the merits of the request, the Chair will place the item on the next available agenda. If the Chair does not concur with the merits of the request, the Chair will place an item on the next agenda for the Commission to determine if it wants to agendize the matter.

The bulk of the Commission's business should be those projects that require a compatibility finding under the Aeronautics Act as well as addressing proposed changes in local airport plans or airport land use compatibility plans. Compatibility review of other land use projects requires mutual consent between the local agency (city, county, or special district) and the Commission and shall be performed on an advisory basis. (Pub. Utilities Code, § 21676.5, sub. (b).)

Other airport land use concerns may be brought in consideration of amending an existing airport land use compatibility plan. Particular issues that the Commission would like to study and address may be identified in a work plan, as will be discussed below.

### **Status of Commission Committees (AD HOC)**

On September 12, 2019, the Chair announced the establishment of two committees as described below (See Attachment E September 12, 2019 Minutes):

#### Wildlife Hazard Committee (Ad Hoc)

The committee's purpose is to study the various entities in the State that are proposing wildlife that could be attractive to bird populations close to the airports. Commissioner Vancil, Randall, and DuClair volunteered to be a part of the Wildlife Sub-Committee.

## Wind Turbine Committee (Ad Hoc)

The Wind Turbine Committee was formed to assist staff in vetting the CEQA review of a Wind Turbine project.

### **Direction of Future Discussion Items**

In past years, the Airport Land Use Commission prepared a work plan which identified items other than compliance reviews, which the Commission had an interest in pursuing. Staff is recommending that the Commission return to this practice. For example, there are a number of agencies pursuing wildlife projects in the vicinity of Travis AFB and the Rio Vista Municipal Airport which have the potential to adversely impact those installations. A Commission work plan could include an element for addressing this potential problem by setting forth a schedule of activities the Commission would undertake to seek resolution with other agencies.

Staff recommends that the Commission direct staff to agendaize a future discussion item on a proposed workplan.

#### Attachments:

- A – Policy Discussion
- B - ALUC Minutes of May 14, 2020 (Revised)
- C - ALUC Minutes of October 8, 2020
- D – Bylaws Adopted by ALUC May 12, 2011

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**ALUC-20-**(Airport Land Use Commission Policy and Procedure Discussion)

Discuss policy questions regarding general principles and procedures of how the Commission operates including the role and duties of individual Commissioners

..body

Published Notice Required? Yes  No   
Public Hearing Required? Yes  No

**RECOMMENDATION:**

Staff recommends that the Commission conduct a discussion on general principles and procedures of how the Commission operates including the role and duties of individual Commissioners

**INTRODUCTION**

Over the past several years, staff and the Chair have fielded questions and concerns from individual Commissioners regarding the roles, duties and responsibilities of Commissioners. These conversations have been broad in scope.

At the February 6, 2020 Regular Meeting of the Commission, it was agreed that the Chair would calendar a discussion of this item for consideration by the Commission at an upcoming meeting. The Chair, in consultation with the staff, has scheduled this discussion to provide an opportunity to review legal factors and Commissioner protocols. The discussion will assist the staff in determining whether further actions are necessary.

**DISCUSSION**

In order to gain some perspective on these issues, it is worthwhile to contemplate aspects of the Legislature's intent in creating the airport land use commissions across the state. One of the considerations was that a commission would have several members with some form of direct aviation experience. This provision was thought to ensure that, when acting as a single body, the decision-making would benefit from multiple perspectives and varieties of aviation experience.

With this in mind, staff has identified three broad areas of Commission interaction which should be discussed, to wit:

1. Operation of the Commission as One Body,
2. Roles and Responsibilities of Individual Commissioners
3. Relationship of the Commission and Commissioners to Stakeholders including contacts outside of public Commission Meetings

1. Operation of the Commission as One Body

When conducting its business, the Commission acts as a single body. The Commission has adopted Bylaws (See Attachment A) which provide structure and rules for how meetings are to be conducted and address other aspects of administration, including a basic outline of the duties of the Chair and the Secretary as provided below:

*A. Role of the Chair*

The Bylaws essential provide that the Chair presides over the meetings and carries out all duties required to perform that activity. In addition, the Chair consults with staff on items on the agenda. The Chair is also responsible to appoint members to committees.

*B. Role of The Secretary*

The Bylaws designate the Director of Resource Management as the Secretary of the ALUC. The Secretary provides professional and technical advice to the Commission and carries out the administrative functions

The Bylaws do not provide a lot of detail on how to handle day-to-day operations of the Commission, but rather rely on the Chair and Secretary to work together to conduct the business of the Commission.

2. Roles and Responsibilities of Individual Commissioners

The Bylaws do not address the conduct of individual Commissioners in any detail. Generally speaking, individual Commissioners are not empowered to speak on behalf of the entire Commission (a possible exception would be if the commission as a whole granted that authorization on a special issue) and have a duty to conduct themselves in accordance with the provisions of the Brown Act. Staff has presented aspects of the Brown Act to the Commission for discussion in the past and could do more work in this area if the Commission desires.

3. Relationship of the Commission and Commissioners to Stakeholders

Representing the Commission

The Airport Land Use Commission acts as a single body in carrying out its responsibilities under the authority granted to it by the State. Individual Commissioners do not speak for the ALUC and the Bylaws do not address the relationship of individual commissioners to the Commission or outside stakeholders or agencies. For example, there is no discussion of who represents the Commission before other agencies. Under the current set of Bylaws, it has generally been the practice that the Chair is empowered to represent the full Commission at venues outside of regular committee meetings.

Occasionally, outside stakeholders and/or agencies have an interest in hearing about the ALUC and its role. Historically, the Secretary has performed the function of speaking for the Commission at outside meetings and events. The Secretary may, at his or her discretion, designate other staff members to do so.

The Commission may want to address policies and procedures for how this can be accommodated ensuring that technically and legally correct information is portrayed to outside meetings by the Commission as a whole.

## Subcommittees

The Chair may also constitute subcommittees to perform work on behalf of the Commission. The subcommittees should not place themselves in the role of speaking for the ALUC on matters outside of their subcommittee assignments to outside interests.

## Coordinating Information Gathering

When individual Commissioners are out in the community they frequently gather important information relevant to one or more matters of interest to the Commission. In order to make sure that all information which is being gathered by individual Commissioners is available to other Commissioners, a clearinghouse needs to be established for the purpose of receiving and sharing the information. Commissioners should summarize information being gathered and forward it to the Chair and the Secretary, so it can be captured and utilized.

**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.

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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.

**MINUTES OF THE  
SOLANO COUNTY AIRPORT LAND USE COMMISSION  
VIRTUAL MEETING OF OCTOBER 8, 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, Randall, Sagun, Vancil and Vice Chair DuClair

Via WebEx: Chairman Seiden and Commissioner Meyer

MEMBERS ABSENT: Commissioner Sarna

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

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Call to Order & Roll Call

Vice Chairman DuClair 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 of May 14, 2020

Commissioner Cook presented a revision of the minutes under “New Business” at ¶ 1:4.

Commissioner Sagun stated that in September 2019, he was appointed to the Wildlife Hazard Committee (WHC) by then Chairman Randall. He requested the status of the committee to date.

Mr. Leland asked the current chairman and the previous chairman if they had made any changes to the committee lists. Both chairmen indicated that there were no changes. He also mentioned that the topic would be placed on the November agenda to review the ongoing purpose and member participation of the WHC and Wind Turbine Committees (WTC). The chairman would be able to address Commissioner Sagun’s request at that time.

Chairman Seiden stated that the list circulated to the commission last year listed the chairpersons and members participating in the ad hoc committees. “Those ad hoc committees exist only so long as their assigned task exists.” At the completion of the task, the committee then ceases to exist. He indicated that he will be reviewing this topic at the November meeting.

Commissioner Randall indicated that Commissioner Cook is the chairperson for the WTC and Commissioner Sarna is the chairperson for the WHC. There was mention of a possible other person listed as the chairperson for the WTC, however, Commissioner Randall confirmed that he appointed Commissioner Cook to that position.

Commissioner Cook suggested that the committees be reconstituted and asked Chairman Seiden his preference. She indicated that she would like to be a participant in the WTC either by chairing or by member.

Chairman Seiden agreed with Commissioner Cook and indicated that her expertise in air traffic control would be "good for this purpose." He also stated that he did not think it was the appropriate time to review members of the ad hoc committees since Commission Randall's status on the commission has not been confirmed.

Chairman Seiden suggested that since there is a meeting of the California Conservancy on October 16, 2020, it would benefit the commission to have a commissioner attend. He also said that he would review and reconstitute both ad hoc committee lists the following day.

Vice Chairman DuClair asked for a vote or confirmation from the commission. Mr. Leland informed that the appointment of committees is the exclusive prerogative of the chairman. It is not an item the commission can act upon unless the chairman places the item on an agenda.

Chairman Seiden requested a change to the minutes prepared by Commissioner Cook in that the word "chair" be revised to read "Chairman Randall."

On a motion made by Commissioner Vancil, seconded by Commissioner Sagan, the Commission approved the amended minutes of the meeting of May 14, 2020 to include the revision from Commissioner Cook.

#### Approval of the Minutes of September 3, 2020

Commissioner Vancil requested that the minutes reflect a change at "Reports from Commissioners and/or Staff," from "*attended a meeting*" to "*received an update.*" The minutes reflected that Commissioner Vancil had stated the update was in June, however, after checking the dates, Commissioner Vancil confirmed that the update was received on July 13, 2020. The minutes will reflect the change.

Commissioner Sagun indicated that he did not receive the minutes to review. Chairman Seiden stated that attachments to the agenda were too large to transmit and therefore some deliveries failed. The minutes could be accessed through the link on the agenda.

Commissioner Cook suggested that the minutes of September 3, 2020 be tabled until the next meeting in order for the commission to review.

#### Reports from Commissioners and/or Staff

Mr. Leland stated that he received a letter from the state addressed to the commission. Though it was not on the agenda or up for discussion or comment, Mr. Leland presented it to the commission. He said it was an example of the state purchasing or encouraging the purchase of property within the Wildlife Hazard area of an airport for the development of habitat that will attract birds. This has been an on-going problem with the state-sponsored wildlife habitats. Mr. Leland said that he would discuss this item with the chairman to possibly receive direction from the WHC regarding more aggressive attempts to discuss this issue with the state.

Vice Chairman DuClair agreed.

### Items from the Public

There were no items from the public.

### Old Business

Commissioner Sagun stated that there was discussion in May regarding the appropriate manner to present a concern to the commission. He mentioned the Hay Road Land Fill matter. There was, and still appears to be, differences of opinion on the proper way to present those concerns considering what is stated by the California Airport Land Use Handbook. He proposed that this topic be agendized for the next meeting. He suggested that the commission review the bylaws and resolve the discrepancies.

A motion was made by Commissioner Sagun and seconded by Commissioner Cook to agendize the discussion and resolution of proper procedures at the next meeting.

### New Business

1. PUBLIC HEARING to consider a consistency determination (ALUC-20-04) for the proposed Lister Commercial Building project, wit the Travis Air Force Base Land Use Compatibility Plan (TAFBLUCP) and the Nut Tree Airport Land Use Compatibility Plan (NTALUCP). (Applicant: City of Vacaville)

The Nut Tree Plan requires that 50% of Zone B be in open space and that there are places to land a plane, if needed, specifying a size range of at least 75 x 400, 100 x 300, or areas within those ranges. Previously, the commission was presented with two warehouse applications on properties adjacent to said property which face the same issue. At the time, the approval was conditioned by having the city identify a qualifying open-space area and put limitations in place to preserve it.

The commission appointed a subcommittee of two commissioners to oversee the process. The City of Vacaville (The City) put forth a plan and the subcommittee approved the plan as being consistent with the NTALUCP. The City implemented the plan pursuant to their memorandum.

This project is at the same end-of--runway as the previous two projects, and it should meet the same requirements. Mr. Leland asked The City to engage in the services of an aviation planning consulting firm as a second opinion for the commission's consideration. Their conclusion is that it meets the need of the NTALUCP for open space for this development. On the basis of their conclusion and all the other factors considered in the staff report, we are recommending that this project is consistent with both the NTALUCP and the TAFBLUCP.

Commissioner Meyer inquired as to having an area free of trees to land an airplane. The plan that she reviewed had trees outlining the area.

Mr. Leland indicated that the open-space area does not have to be on the property where the development is located. The property does have landscaping. However, the subcommittee stated that there is a lot of concrete on the frontage roads, city streets and the freeway in Zone B at the end of the runway which is suitable for emergency landing. It is not depicted as open space on the Lister Construction Company's website, but it is adjacent and available to a pilot. The color exhibit is attached to the staff report for review.

Commissioner Meyer stated that her only concern was that given the proximity to the extended center line and Zone A, it would require maneuvering as opposed to straight ahead for that corner.

Chairman Seiden said the subcommittee consisted of Commissioners Randall and Seiden. They visited the site and physically walked the property. They reported to the commission and those previous projects were approved. If the conditions have not substantively changed, then recommendation for approval is understood.

Commissioner Vancil stated that in 2015, in reviewing the open space after the two previous projects, did the open-space calculations include the parcel that is under development now?

Mr. Leland said, "No, because it was not colored yellow" according to the exhibit. Mr. Leland indicated that the property was never in the open space. Only the yellow shaded area was considered open space.

Commissioner Vancil asked if in 2015 the area was considered a parcel for development. Mr. Leland stated that it was not since it was not colored on the exhibit.

Commissioner Vancil provided pictures of a 2017 accident in this area. The Cessna Cardinal was able to clear the Vaca Valley overpass and landed in open space beyond that field. Because there was open space, it made a safe landing and news for a day. The plane landed near new construction of houses on Epic Street. The open space definition should include the quality of the open space. Pursuant to the NTSB accident report, this particular plane lost power at 200 ft. after take-off. There was enough altitude and near speed to make it over the area in question, pass over the overpass and land north of Genentech. If it had occurred earlier, it would have had to come down in this area we are talking about tonight.

Commissioner Vancil provided other pictures for the commission.

Corbitt Smith from Meade & Hunt participated via telephone. He clarified that Meade & Hunt did not prepare the open-space graphics. They were prepared by the City of Vacaville. We did review the graphics and we pointed out that the portion in pink that is not counted as open space that is north of the interstate, the argument can be made either way if it is practical. It would have areas that would meet the size requirements as laid out within the ALUCP. Those areas could probably be included in the open space, and possibly increasing the percentage available.

Commissioner Sagun stated that he has flown extensively out of Vacaville. He was an owner of a vintage aircraft hangered at Vacaville and is currently an instructor. He mentioned that he was concerned about the area in question as it is aligned with the centerline, very close into the runway. When losing an engine in a single-engine aircraft, there is some time to maneuver and pick open space to land the aircraft. If there is a failure close to the ground, i.e. 100 ft or 200 ft., options are limited. The area close-end of the runway is extremely critical. He stated that he was quite uncomfortable approving a project which would put obstacles this close to the runway on the centerline.

Commissioner DuClair agreed and stated that it is critical that there is sufficient low altitude space. We should review the NTALUCP at some point and contact the Nut Tree staff.

Mr. Leland indicated that at the time the NTALUCP was approved, Zone A was the area to be kept free of structures of any kind which would maximize the amount of space a plane at low altitude with engine loss has to land. Zone B was a zone where structures could be approved

according to the NTALUCP. At the time it was prepared where there was more traffic leaving Nut Tree than there is today, there was no sense that Zone B you couldn't have structures. There was a sense that it ought to be low intensity development. That is why there is a 50% open-space requirement. The requirement is not that all the 50% be suitable for landing. There had to be at least some space in the 50% that met the dimensions of 75 x 400. Those are small areas on the map. In reviewing the map, 300 ft is the width of the freeway. The area between the offramp and the freeway short of the Vaca Valley overcrossing is more than sufficient to meet those criteria, and only one is needed in each Zone B, in the north and south.

Mr. Leland suggested that the commission might review the NTALUCP due to different types of traffic and new criteria in the handbook.

With respect to the handbook and the particular Airport Land Use Plan, Chairman Seiden stated that sometimes the opinions do not always "line-up" with what is allowed in the plan. As an example, when the commission approved a condominium development near the end of the runway, behind the Nut Tree Commercial Complex, the commission had mixed opinions. However, because it met the minimal requirement and was legally in compliance, the commission voted in favor of the project, respecting the requirement.

Vice Chairman DuClair opened the public hearing for anyone wishing to speak on agenda item no.1 regarding ALUC-20-04.

Rob Henley with A2R Architects representing client Chuck Lister who was also present. Mr. Henley stated that during the planning process they worked closely with the planning department, the client, the aviation consultant, Meade & Hunt and Mr. Leland from the county. He reiterated that the project meets the requirements. It is in alignment with the runway, there is no question. There are other developments in and around Mr. Lister's property that has been recently approved, built and completed successfully. Our project is a good project. Mr. Lister is triangular in shape. The lot coverage with building is approximately 13% which is very low for industrial development. The property borders Monte Vista and Highway 505. There is a large drainage channel that parallels 505. It is smaller than most industrial developments in and around the area. Our project is consistently with the ALUC.

Vice-Chairman DuClair closed the public hearing.

Commissioner Randall asked how many people will be in the commercial building. Will it be a factory-type building, or will it have occupancy?

Mr. Leland indicated that there will be a total of 45 employees for both tenants. It is low-traffic in terms of customers because it is mostly warehouse with a small display area similar to a flooring company.

Commissioner Randal asked if there was any language which will lend to the fact that the area will not be converted to office space in the future.

Mr. Leland said that the city would return to the county to evaluate at that time.

Commissioner Sagun asked if the project had been evaluated by the FAA for consistency with the precision approach to 20?

Mr. Leland said that he was unsure if the developer had filed for an obstruction violation.

Commissioner Sagun asked if the developer will be asking for determination if this project will impact the development of a precision approach to that runway.

Mr. Leland said that the airport operator has backed off the notion of a precision approach. He was told that the current thinking of the airport operator is that the next time the NTALUCP is updated, there will not be a precision approach. This will reduce the area of protection that is currently in place.

Commissioner Cook asked if the precision approach would not longer be considered. Mr. Leland confirmed.

Chairman Seiden stated that this was predicted to happen within the next revisions. The Genentech building also precluded the proper glidepath for a precision approach to that runway.

Corbin Smith of Meade & Hunt said that he noted in the project description of the application that the math was done on the air space clearances associated with what would be a precision approach. The building would fall well below that even if a precision approach was implemented.

Vice Chairman DuClair asked for roll-call. The vote was unanimous.

#### Adjournment

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



## **SOLANO COUNTY AIRPORT LAND USE COMMISSION BYLAWS**

(Adopted by the Solano County Airport Land Use Commission on May 12, 2011.)

**SECTION 1. NAME.** The name of this organization is the Solano County Airport Land Use Commission ("Commission").

**SECTION 2. AUTHORITY.** These Bylaws are adopted pursuant to the authority provided by the State Aeronautics Act, California Public Utilities Code, section 21674, subdivision (f). Together with the *Solano County Airport Land Use Compatibility Review Procedures*, as currently in effect and as may be amended from time to time, these Bylaws constitute rules and regulations for the carrying out of the Commission's responsibilities.

### **SECTION 3. ELECTION AND TERMS OF OFFICERS.**

**3.01 Organizational Meeting.** At the regular meeting of the Commission in May of each year, or if no regular meeting is held in May the first regular meeting of the Commission thereafter, the Commission shall hold an organizational meeting, at which time the Commission shall elect a Chair and a Vice-Chair who shall serve until their successors are elected the following May or thereafter.

**3.02. Conduct of Elections.** Elections shall be by nomination and roll-call vote. The member receiving the highest number of votes shall be declared elected.

### **SECTION 4. DUTIES OF OFFICERS AND STAFF.**

**4.01. Chair.** The Chair shall preside at all meetings of the Commission and perform all other duties necessary or incidental to the office.

**4.02. Vice-Chair.** In the event of the absence of the Chair or his/her inability to act, the Vice-Chair shall take the place and perform the duties of the Chair.

**4.03. Presiding Officer.** The Chair, or in his or her absence, the Vice-Chair, shall call the Commission to order and act as presiding officer. In the absence of the Chair and Vice-Chair, the senior member of the Commission then present shall call the Commission to order, and act as temporary presiding officer.

**4.04. Clerk.** The Clerk of the Commission shall be the Director of the Solano County Department of Resource Management. The Clerk shall discharge the functions of commission secretary and administrative officer, shall furnish professional and technical advice and support, and shall assist the Commission in the discharge of its duties and responsibilities. The Clerk shall certify each official document and resolution of the Commission, maintain records of operation, and perform such other duties as the Commission assigns. The Clerk shall call the roll, keep minutes of each meeting and shall record the official actions taken. The Clerk may designate or deputize members of his/her staff to perform these functions.

### **SECTION 5. MEETINGS OF THE COMMISSION.**

**5.01. Regular Meetings.** The Commission shall hold regular meetings on the second Thursday of each month at 7:00 p.m. in the first-floor Multi-Purpose Room or the first-floor Board of Supervisors' Chambers of the Solano County Administrative Center, 675 Texas Street, Fairfield, California, or at such other date(s) and time(s) as designated by the Chair and affirmed by the majority vote of the Commission.

**5.02. Change of Meeting Place.** Upon order of the Commission, adopted at least five (5) days in advance, the place of the next succeeding regular meeting may be changed to another location within Solano County, provided that the changed location is stated in the agenda or meeting notice.

**5.03. Cancellation of Meetings.** The Clerk with concurrence of the Chair may cancel a regularly scheduled meeting if it is determined that there is insufficient business or other reason to not meet. A copy of the order or notice of cancellation shall be posted at least 24 hours before the regularly scheduled hearing date at the Solano County Administrative Center, conspicuous to the public.

**5.04. Special Meetings.** Special meetings may be called by the Chair or at the request of a majority of the Commission members, with notice posted at least 24 hours prior to the special meeting and conforming to other applicable requirements.

**5.05. Closed Meetings.** All meetings shall be open meetings, except such closed meetings that the law permits.

**5.06. Adjournment of Meetings.** The Commission may adjourn (i.e., continue) any meeting to any later date, time and place when necessary for the transaction of business. Any adjourned regular meeting is part of a regular meeting.

**5.07. Scheduling Agenda Items.** During preparation of the agenda, the scheduling of items on the agenda shall be the responsibility of the Clerk after consultation with the Chair and, if necessary, the Commission.

The Chair, or by majority vote the Commission, may direct an item to be scheduled, or change the order of agenda items.

**5.08. Quorum.** A quorum for conducting business shall be a majority of the members then appointed. The late arrival time of any commissioner shall be entered into the minutes in order to document which part of the proceedings were missed.

**5.09. Absenteeism.** Members unable to attend a meeting should notify the Clerk in advance of the meeting, so that a determination can be made if a quorum can be established at the planned meeting. In the event that a member is absent from three (3) consecutive regular monthly meetings, the Clerk will notify that member's appointing authority.

**5.10. Order of Business.** At regular meetings, the order of business shall be as follows:

- a. Opening of the Meeting ("Call to Order");
- b. Pledge of Allegiance;
- c. Roll Call;
- d. Approval of Agenda;
- e. Approval of Minutes;
- f. Reports of Committees;
- g. Comments From the Public (regarding any matter that is within the jurisdiction of the Commission but is not an item on the agenda);
- h. Old Business;
- i. New Business;
- j. Adjournment.

The above Order of Business may be suspended or varied at any time upon order of the presiding officer.

**5.11. Brown Act.** The Ralph M. Brown Act (Government Code, § 54950 et seq.) applies to the Commission, as and to the extent provided by law.

## **SECTION 6. COMMISSION PROCEDURES.**

**6.01. Action by Motion.** Action of the Commission shall be initiated by motion. Any action of the Commission may be proposed by motion of any member.

**6.02. Second Required.** If seconded by any member, a motion shall be on the floor for consideration. In the absence of a second, the motion fails.

**6.03. Official Action.** Except as provided by general law, every official action taken by the Commission shall be by motion or resolution adopted by the affirmative and recorded vote of a majority of the full membership of the Commission. On all official actions where a vote is taken, the Clerk shall take the vote by roll call, in order of seniority, with the Chair voting last, or in such other order that may be prescribed by the Commission. Any motion on which the vote is tied is deemed to have failed.

The vote of a member who has abstained for any reason shall not be counted as an affirmative vote. However, if the member is legally entitled to vote and has not recused himself or herself from consideration of the matter, the member shall be deemed present for the purpose of determining if there is a quorum of the Commission to consider the matter.

Voting by proxy shall not be allowed. However, if the County Board of Supervisors and the selection committee of mayors of the County determine in the future to appoint alternate members (i.e., proxies) in addition to Commission members, any appointed alternate may vote in person at meetings when properly substituting for the Commission member.

**6.04. Procedure in Absence of Rule.** In the absence of a rule to govern a point of procedure, "Robert's Rules of Order, Newly Revised" shall be used to decide a point of procedure.

**6.05. Overruling the Chair.** A decision of the Chair with respect to the interpretation, applicability or enforcement of these Bylaws may be overruled by a majority vote of the members of the Commission.

## **SECTION 7. COMMITTEES.**

**7.01. Committees.** When desirable, standing or ad hoc committees may be established when necessary for technical or advisory purposes or the conduct of the Commission's business. Committees may be composed of Commission members, staff members, and members of the public. The Ralph M. Brown Act applies to certain standing committees, pursuant to Government Code, section 54952(b).

**7.02. Appointment.** The Chair shall appoint all standing and ad hoc committee members, and a chair of such committees.

**7.03. Tenure of Standing Committees.** Members of standing committees shall serve in that capacity for one (1) year and shall serve thereafter until their successors are appointed.

**7.04. Ad Hoc Committees.** Ad hoc committees shall be discharged at the conclusion of their assignment.

**SECTION 8. POLICIES.**

**8.01. General Law Provisions.** It shall be the policy of the Commission to comply with all applicable provisions of Federal, State, and local laws, ordinances, rules, and regulations.

**8.02. Conflict of Interest.** A Commission member shall be considered temporarily disqualified from participating in the review or adoption of a proposal before the Commission if the Member has a disqualifying conflict of interest under applicable law.

**SECTION 9. AMENDMENTS AND NOTICES OF AMENDMENT.** These Bylaws may be amended by a 2/3 majority of the Commission at any regular or special meeting, provided that notice of the proposed amendment or amendments, including the exact text of same, shall have been delivered to each Commission member at least ten (10) days prior to the meeting date.

### **Special Rule of Order Regarding Consent Calendars**

(Adopted by the Solano County Airport Land Use Commission on September 13, 2018)

The Clerk after consultation with the Chair and, if necessary, the Commission may place items with a recommended course of action for each item on a consent calendar for consideration and action by the Commission in gross.

The consent calendar shall consist of those matters appearing to the Clerk or the Chair to be of a routine nature.

The consent calendar, if any, shall appear on the prepared agenda as the first item of New Business.

The Commission shall consider the consent calendar as follows:

1. The Presiding Officer calls for the consent calendar.
2. The Presiding Officer asks which items on the consent calendar, if any, do members of the public wish to speak on.
3. Any item on which a member of the public wishes to speak will be removed from the consent calendar and considered individually.
4. The Presiding Officer asks the Members are there are any changes to the consent calendar from the Members.
5. Any Member may remove any item from the consent calendar for any reason. For example, any item requiring debate or amendment would be appropriate to remove from the consent calendar.
6. The Clerk restates which items are remaining on the consent calendar and which are being removed.
7. The Presiding Officer calls for a motion and second to remove the identified items from the consent calendar and then calls for a vote on the motion, which may be by voice vote.
8. The Commission's approval of the overall agenda earlier in the meeting is deemed to contemplate the later operation of this special rule of order, and the approval of removal of items from the consent calendar shall require only a majority vote. If no items are being removed from the consent calendar, the Commission proceeds to the following step.
9. The Presiding Officer declares that the public hearing is open for all items on the consent calendar that require a public hearing.
10. Any Member may question a staff member regarding an item on the consent calendar.
11. The Presiding Officer declares that the public hearing is closed for all items on the consent calendar that require a public hearing.

**Special Rule of Order Regarding Consent Calendars, page 2**

(Adopted by the Solano County Airport Land Use Commission on September 13, 2018)

12. The Clerk takes the vote on the consent calendar in accordance with the requirements for Official Action as stated in section 6.03 of the Bylaws.
13. A Member excused from voting on a consent item may vote on the consent calendar, except that the vote shall not apply to the item to which the announced excuse applies.
14. Items removed from the consent calendar: (a) are later considered individually; (b) upon removal from the consent calendar are deemed placed on the agenda after the last item of new business stated on the prepared agenda; and (c) shall be called and taken up in the order they had appeared on the consent calendar.