

## Solano County Airport Land Use Commission



# SOLANO COUNTY

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Bruce DuClair  
Vice-Chairman

### MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION MEETING OF OCTOBER 12, 2017

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 Baldwin, Vancil, Randall, Meyer, Sagun, Seiden and Chairman DuClair

MEMBERS ABSENT: Commissioner Cavanagh

OTHERS PRESENT: Jim Leland, Resource Management; Kristine Sowards, Resource Management

#### Call to Order & Roll Call

Chairman DuClair called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was present.

#### Approval of the Agenda

The agenda was approved as prepared.

#### Approval of the Minutes

The minutes of the meeting of September 14, 2017 (closed session) and September 14, 2017 (regular meeting) were approved as written.

#### Reports from Commissioners and/or Staff

Jim Leland announced that staff expects to bring the Rio Vista Land Use Compatibility Plan before the commission for adoption in December or January

Mr. Leland also noted that the Travis Sustainability Study has been underway for nearly 18 months. He commented that there is a public outreach meeting scheduled for October 19<sup>th</sup> to be held at the County Government Center. He noted that this would be the last public outreach meeting before the item would go before a policy committee on November 9<sup>th</sup>. Mr. Leland stated that the policy committee is comprised of each Mayor of the seven Solano County cities as well as the members of the County Board of Supervisors. He projected that this plan would most likely go before the Board for adoption in either December or January.

#### Items from the Public

There was no one from the public wishing to speak.

#### Old Business

There was no old business to discuss.

#### New Business

1. Public hearing to consider ALUC-17-10: A request from the Sacramento Municipal Utilities District (SMUD) to initiate an amendment to the Travis AFB Land Use Compatibility Plan (Travis Plan). Applicant: SMUD

Mr. Leland stated that SMUD has requested a continuance of this item to the December 14<sup>th</sup> meeting. Mr. Leland explained that more time is needed to enable staff to explore in more depth the details of SMUD's proposal. He stated that meetings have already been set with SMUD representatives to discuss this matter further. Staff concurred with the request for continuance.

A motion was made by Commissioner Vancil and seconded by Commissioner Meyer to continue this matter to the regular meeting of December 14, 2017. The motion passed unanimously.

2. Public hearing to consider ALUC-17-11: Farm at Alamo Creek (City of Vacaville) to consider the consistency of the Farm at Alamo Creek General Plan Amendment (hereafter, 'Farm at Alamo Creek Project') with the Travis Air Force Base Land Use Compatibility Plan: Applicant - City of Vacaville

Jim Leland gave a brief presentation of staff's written report. The City of Vacaville is considering the Farm at Alamo Creek Project which consists of a General Plan Amendment which would remove portions of the property from the Urban Reserve and allow for consideration of a future Specific Plan. The future Specific Plan will need to be reviewed by the Airport Land Use Commission for consistency with the Travis Plan. Mr. Leland noted that State law requires that any proposed general plan amendments (including specific plans) or revisions and any rezoning actions be reviewed for consistency with adopted airport land use compatibility plans. This project involves both types of entitlements which are analyzed in the staff report. Staff recommended approval of the request.

Chairman DuClair opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Randall to determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 17-11)

3. Public hearing to consider ALUC-17-12: Benicia Cannabis Regulations (City of Benicia) to consider a Consistency Determination for the proposed City of Benicia Cannabis Regulations with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Benicia)

Mr. Leland gave a brief overview of the staff report. The California statewide general election held on November 8, 2016 included Proposition 64, the Adult Use of Marijuana Act (AUMA). The Act, passed by the voters, will: (1) allow adults 21 years and older to possess up to one ounce of marijuana and cultivate up to six plants for personal use; (2) regulate and tax the production, manufacture, and sale of marijuana for adult use; and (3) rewrite criminal penalties so as to reduce the most common marijuana felonies to misdemeanors and allow prior offenders to petition for reduced charges.

The initiative permits personal possession and cultivation, commercial cultivation, testing, manufacture, distribution, sales and delivery of marijuana for recreational use to occur statewide. The initiative also allows some local control and regulation for most of these activities within a local jurisdiction. However, the personal possession, cultivation and use may not be prohibited by local jurisdictions, although controls and regulations may be placed on personal cultivation.

In order to establish and exert local control, the City of Benicia is considering adopting two ordinances, one dealing with Cannabis Regulations and the other with Public Safety License. Each of these proposed ordinances were addressed in some detail in the report. Mr. Leland stated that staff has been able to evaluate the proposed ordinance as it currently stands and has made a positive recommendation to the Commission for consistency with the Travis AFB Land Use Compatibility Plan.

Chairman DuClair opened the public hearing. There were no speakers either for or against this matter therefore the public hearing was closed.

A motion was made by Commissioner Sagun and seconded by Commissioner Seiden to determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 17-12)

4. Public hearing to consider ALUC-17-13: Benicia Stream Setback Regulations (City of Benicia) to consider a Consistency Determination for the proposed City of Benicia Stream Setback Regulations with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Benicia)

Jim Leland reviewed the written staff report. The report stated that the City of Benicia periodically updates the Benicia Zoning Ordinance to implement General Plan policies, remain consistent with state law, streamline the permit and review process, and ensure overall clarity and consistency.

The Benicia Municipal Code and the Benicia General Plan require all development to be set back a minimum of 25 feet from the top of the bank of (seasonal and perennial) streams and ravines. The Benicia Municipal Code requires a permit from the City Engineer to develop within 30 feet of the center line of any creek or 25 feet of the top of a bank, whichever is greater, and defines "top of bank" as the flatter of the actual top of bank or a projected top of bank from the toe of slope at two horizontal to one vertical bank slope. The zoning ordinance does not define "top of bank" or "development," which can lead to varying interpretations of the General Plan program and the zoning requirements. While the General Plan defines "development," the General Plan does not define "top of bank." In order to provide clarity to property owners, the City has initiated a zoning ordinance amendment that would add definitions for "Development" and "Top of Bank". Staff recommended the commission consider the request to be consistent with the Travis Plan.

Chairman DuClair opened the public hearing. Since there was no one from the public wishing to speak, the public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Sagun to determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 17-13)

### Adjournment

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