

## Solano County Airport Land Use Commission



# SOLANO COUNTY

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Thomas Randall  
Chairman

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### MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION MEETING OF SEPTEMBER 13, 2018

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, DuClair, Meyer, Sagun, Seiden and Chairman Randall

**MEMBERS ABSENT:** Commissioner Cavanagh

**OTHERS PRESENT:** Jim Leland, Resource Management; Lee Axelrad, Deputy County Counsel; Kristine Sowards, Resource Management

#### Call to Order & Roll Call

Chairman Randall 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 August 9, 2018 were approved as written.

#### Reports from Commissioners and/or Staff

There were no committee reports.

#### 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 a Consistency Determination (ALUC-18-08) for the proposed County of Solano Commercial Cannabis Regulations with the Travis Air Force Base, Nut Tree Airport and Rio Vista Airport Land Use Compatibility Plans (Sponsor: County of Solano)

Jim Leland briefly reviewed the staff report. The California statewide general election held on November 8, 2016 included Proposition 64, the Adult Use of Marijuana Act. 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 report also indicated that 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. Staff recommended the project is consistent.

Chairman Randall 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 Sagun to determine that application ALUC-2018-08 (County of Solano Commercial Cannabis Regulations) is consistent with the Travis AFB, Nut Tree Airport and Rio Vista Airport Land Use Compatibility Plans. The motion passed unanimously. (Resolution No. 18-08)

2. Public hearing to consider consistency of ALUC-2018-10 (Suisun Waterfront District Plan) with the Travis Air Force Base Land Use Compatibility Plan: (Sponsor - City of Suisun City)

Mr. Leland provided a summary of the staff report. The City of Suisun City is considering amendments to its Waterfront District Plan. The amendments include minor changes to both the 2035 General Plan and the Suisun Waterfront District Specific Plan. The original version of the 2035 General Plan was determined to be consistent with the Travis Plan on January 8, 2015 by the Commission. The Waterfront District Specific Plan was before the Commission on September 8, 2016. Even though these amendments under consideration are minor in nature, the State law requires that any proposed general plan amendments or specific plan amendments be reviewed for consistency with adopted airport land use compatibility plans. In this case, these items are within the jurisdiction of the Travis AFB Land Use Compatibility Plan Staff recommended consistency.

Commissioner Seiden inquired if there is any flexibility in the State law that would give the commission the ability to allow staff to review an application and decide whether a general plan amendment proposal falls within the need for the commission to consider. Mr. Leland explained that State law requires that the composition of the Airport Land Use Commission contain certain aviation expertise, remarking that staff does not have any of the requisite experience to judge if an item will or will not have aviation consequences.

Since there were no further questions or comments, Chairman Randall 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 DuClair to determine that application ALUC-2018-10 (Suisun Waterfront District Plan) is consistent with the Travis AFB Land Use Compatibility Plan (Travis Plan). The motion passed unanimously. (Resolution No. 18-10)

3. Public hearing to consider the consistency of the Suisun Marsh Local Protection Program Update (ALUC-18-13) with the Travis Air Force Base Land Use Compatibility Plan (Travis Plan). (Sponsor: County of Solano)

Mr. Leland gave a brief presentation of the staff report and noted that the State Legislature enacted the Suisun Marsh Preservation Act (Marsh Act) of 1997 to protect the unique and biologically diverse lands that comprise the Suisun Marsh. The Marsh Act provides for the adoption of protection plans and policies and permits the establishment of primary and secondary management areas to be administered by the State and Solano County respectively. Among other responsibilities, the County is required to adopt and maintain a Local Protection Program for the Suisun Marsh. The Suisun Marsh Local Protection Program (LPP) includes items as broad as the County's General Plan and zoning regulations, and as narrow as minor permit requirements for grading, drainage and utility extensions.

Mr. Leland continued his presentation by stating on June 14, 2012, the Solano County Airport Land Use Commission found the County's Suisun Marsh Local Protection Program consistent with the Travis Plan. The County is now considering some minor amendments to the Local Protection Program which include amendments to the county's general plan and zoning regulations. These amendments are subject to the jurisdiction of the Travis Plan and as such must be reviewed for consistency with the Travis Plan by the Commission. Staff recommended that the project is consistent.

Chairman Randall 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 DuClair and seconded by Commissioner Meyer to adopt the recommended findings and determine that the Suisun Marsh Local Protection Program Update is consistent with the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 18-13).

4. Public hearing to consider Amendment to the ALUC Bylaws to consider a Special Rule of Order establishing a procedure for the use of a Consent Calendar on the Agenda (ALUC-18-14)

Lee Axelrad provided a brief explanation of the special rule of order as contained in the staff report. The report indicated that pursuant to a request to staff from the commission at its July 2018 meeting, staff has provided a draft "Resolution Regarding Adoption of Special Rule of Order Regarding Consent Calendars." The Commission's adopted bylaws do not currently include a provision allowing for use of a consent calendar. The Bylaws do provide, however, that 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.

Rule 41 of Robert's Rules provides that a body can establish the use of consent calendars by adopting a Special Rule of Order. Rule 2 of Robert's Rules provides that a Special Rule of Order should be adopted separately from the Bylaws but (1) adopted by the same procedure as the Bylaws and (2) published together with the Bylaws in the same document.

The function of a consent calendar is to allow a body to address certain items at the same time by means of a single motion and vote. That is, they are listed and brought up on the agenda all together and are then considered "in gross" without debate or amendment, when being considered as part of the consent calendar. The other feature of a consent calendar is typically some means for "pulling" items off of the consent calendar when it is preferable to instead consider an item individually with debate or amendment.

Mr. Axelrad noted that the commission can adopt the proposal as is, or they can make any changes necessary, in which case staff would bring this item back before the commission at their next meeting for approval.

Commissioner Sagun inquired about rule number 5 that references the ability to remove an item from the consent calendar. He wanted to know if a motion would be required for that action. Mr. Axelrad explained that the process would be the Chair would inquire if anyone would like to remove an item from the calendar, and if so, that commissioner would then announce which item they would like to exclude. When all commissioners are done naming the items they would like removed, at that point there would be a single motion and a voice vote would be taken.

Commissioner Sagun asked about rule number 13 regarding a member of the commission being excused from voting on the consent calendar. He wanted to know how that process would be handled. Mr. Axelrad stated that, for example, if a commissioner were to be excused due to a conflict of interest on an item, it would be incumbent on that member to bring it to the attention of the Chair and the remaining body. The commissioner would note their abstention to the item, but they could still vote in favor of the remaining items on the consent calendar.

Chairman Randall opened the floor for public comment. There was no one from the public wishing to speak.

A motion was made by Commissioner Seiden and seconded by Commissioner Vancil to adopt a resolution establishing a Special Rule of Order to Use a Consent Calendar on the Agenda. The motion passed unanimously. (Resolution No. 18-14)

#### Adjournment

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