

## FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

### Airport Land Use Commission Action Summary

**Date: Monday, February 03, 2014**

**Time: 2:00 PM**

**Place: COG Sequoia Conference Room  
2035 Tulare St., Suite 201, Fresno, CA**

#### **CALL TO ORDER**

A meeting of the Fresno County Airport Land Use Commission (ALUC) was called to order by Chairman Magsig at 2:02 p.m. Commissioner Feasel was asked by Chairman Magsig to lead everyone in the flag salute.

#### **ROLL CALL**

PRESENT: Commissioners: Magsig, Mason, Card, Feasel,  
Proxies: Kidd, Rathburn  
ABSENT: Commissioners: Perea, Rapada  
Proxies: Remy, Estep  
OTHERS ATTENDING: Michael Rowe, County Counsel  
Laural Fawcett, Fresno COG Staff  
Stephanie Maxwell, Fresno COG Staff  
Clark Thompson, Fresno COG Staff  
Israel Trejo, City of Fresno  
Shannon Chaffin, City of Fresno

#### **1. Consent Items**

##### **1A. Consent Item 1A: ALUC Minutes - Action Summary for December 2, 2013 Meeting**

A motion was made by Commissioner Card and seconded by Commissioner Rathburn to approve the minutes of December 2, 2013. A vote was called for and the motion carried.

#### **2. Action/Discussion Items**

##### **2A. City of Fresno Outdoor Dining Ordinance Amendment**

The City of Fresno has submitted an amendment to its municipal code relating to outdoor dining for review by the Fresno County ALUC for a finding of consistency with the Fresno County Airports Land Use Compatibility Policy Plan (ALUCPP).

For the purposes of this review, it is understood that this ordinance amendment applies to existing developed areas in the vicinity of the airports within the City of Fresno.

The Fresno Municipal Code amendment is to SECTION 1. Section 12-328 of Article 3, Chapter 12 adding an Outdoor Dining Ordinance that allows establishments including Restaurants, Taverns, Delicatessens, Ice Cream Stores, Cafeterias, Banquet Halls, Bakeries, Micro-breweries, and similar uses to expand use of certain areas within the applicant's property, without requiring approval by the local jurisdiction of a special plan or permit. Instead, an over-the-counter application shall be submitted to the Director of Development and Resource Management for approval.

ALUCPP consistency reviews are required (California PUC 21676) for local government plans and projects that are adopted or approved. Any proposed change or variance to any regulation or ordinance must also be submitted for ALUC review, to determine if issues of noise, safety, airspace protection, or overflight are involved. All further actions, regulations and permits requiring local jurisdiction approval to either new or existing development within the airport influence or safety review area (AIA), must be reviewed by the ALUC for consistency with the ALUCPP.

The Fresno Municipal Code amendment allows businesses to expand use of certain areas within the applicant's property, without requiring approval by the jurisdiction of a special plan or permit affecting **existing development** these land uses.

Before going on with item 2A Laural Fawcett wanted to recognize Robert Rathburn as the proxy appointed by Commissioner Feasel. Commissioner Feasel introduced Mr. Rathburn, describing his background, where he has lived, his military service from and the work he had done before he came to the ALUC. Commission Chair Magsig asked Mr. Rathburn some questions about his military service, and Mr. Rathburn replied with a brief history of his flying experience.

Laural Fawcett reported on this item. Ms. Fawcett explained that this is not a specific project for development that is being reviewed but simply an amendment that is city wide. Because this ordinance allows for an existing establishment to expand and not have to apply for a CUP or other type of permitting change to go before the City Council, it streamlines the process and allows for businesses to maximize their operations. It is likely that these types of activities occurring from the Zoning ordinance amendment would not have to come before the ALUC unless there was some extenuating circumstances or if it was voluntary.

Commissioner Card had some concerns about the businesses that have vacant land adjacent to the airports particularly FYI that are currently designated as parking areas or open space. This is taken into consideration when you consider the density of population around that particular zone by the airports. Commissioner Card feels that this will allow those densities to increase that particular business.

Israel Trejo with the City of Fresno explained that the proposal was to expedite approvals for small patios serving 49 or fewer people or under 749 square feet or less. Anything larger would have to go through the review process.

Shannon Chaffin with the City of Fresno explained the ordinance and how it will work.

Commissioner Magsig recommended approving staff's recommendation as long as it is consistent with the plan and is required to come to the ALUC for review.

Staff recommends a finding of consistency based on the following:

In the case of this amendment to the zoning ordinance, as long as the "over-the-counter" application is processed and approved, it is considered to be within that existing use and therefore not subject to ALUC review, unless voluntarily submitted.

A motion was made by Commissioner Card and seconded by Commissioner Mason to approve the City of Fresno Outdoor Dining Ordinance Amendment with the conditions that the City of Fresno put forth. A vote was called for and the motion carried.

### 3. **Administrative Action/Discussion Items**

**3A.** Cal-ALUC 2014 Symposium Event March 19<sup>th</sup>-21<sup>st</sup>

Laural Fawcett provided information to Commissioner Card, Commissioner Magsig and Commissioner Remy about the trip.

**3B.** 2014 RTP – Aviation

Ms. Fawcett gave an update on the 2014 RTP, she further explained that a draft will be available for review by the ALUC in the near future, with particular attention to the aviation section of the Action Element Chapter.

**4. Public Presentations and Commission Comments**

This portion of the meeting is reserved for persons wishing to address the Airport Land Use Commission on items within the Commission's jurisdiction but not on this agenda. Public Presentations and Commission Comments

Commissioner Feasel questioned construction on the east end of the runway into the County area of FYI that has been protected for many years. A new Farm Service has opened up on 1788 N. Fowler Ave. Commissioner Feasel would like to know how they got the zoning to build in that area that had been protected from construction for many years. Ms. Fawcett will investigate and report back to the Commissioners.

**5. OTHER BUSINESS**

**A. Items from Staff**

1. Form 700's were distributed and should be returned for staff review and submittal to the Fresno County Clerk before the April 1, 2014 deadline.
2. AB 1234 Mandatory Ethics Training Requirements, were provided via email.
3. The 2014 ALUC Contact List was distributed, it was also provided via email.

**B. Items from Members**

None

**6. ADJOURN**

A motion to adjourn the meeting was made by Commissioner Feasle and seconded by Commissioner Card to adjourn the meeting. A vote was called for and the motion passed unanimously. The meeting was adjourned at 2:32 p.m.

Respectfully submitted,



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Laural Fawcett, Associate Regional Planner  
Fresno Council of Governments,  
Fresno County Airport Land Use Commission