

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, April 6, 2020
Time: 2:00 p.m.
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

1. CALL TO ORDER

A meeting of the Fresno County Airport Land Use Commission (ALUC) was called to order by Chairman Duarte at 2:00 p.m.

ROLL CALL

PRESENT: **Commissioners:** Ray Remy, Daniel Yrigollen, Bill Darnell, Ron Duarte
Proxies: Steve Rapada, Dwight Kroll

ABSENT: **Commissioners:** Sal Quintero, Nathan Magsig, Bob Beck
Proxies: Dan Card, Mark Davis

OTHERS ATTENDING:

Brenda Veenendaal, Fresno COG

Braden Duran, Fresno COG Staff

Lindsay Beavers, Fresno County Counsel

Dirk Poeschel, Wilson Premier Homes

Stan Harbor, Wilson Premier Homes

Robert Phipps participated via teleconference from the Fresno COG Sequoia Room which was opened to the public. No public was present.

Jeff Harris, Wilson Premier Homes

Kelsey George, City of Fresno

2. Action/Discussion Items

A. Action Summary of the November 4, 2019 ALUC Meeting (Brenda Veenendaal)

A motion was made by Ray Remy and seconded by Steve Rapada to approve with edits, the November 4, 2020 Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

B. City of Fresno Plan Amendment/Rezone/ Planned Development Permit Application No. P19-06286

Braden Duran reported on this item. Harbour & Associates, on behalf of Wilson Premier Homes, Inc., had filed with the City of Fresno for Vesting Tentative Tract Map Number 6241 pertaining to a total ±19.8 acres of property located on the southwest corner of North Armstrong and East Clinton Avenues. This was filed in conjunction with discretionary City of Fresno approval for Annexation Application No. P19-06286, Plan Amendment/Pre-zone Application No. P19-06286, and Planned Development Permit Application No. P19-06286.

The proposed project site was located on an undeveloped parcel that is currently within the McClane Community Plan area in the County of Fresno. The site was currently bounded by City of Fresno parcels on

the North, East, and West side(s). These parcels were all planned for residential land uses and zoned for single family residential housing at various densities.

Vesting Tentative Tract Map No. 6241 proposes to subdivide a ±19.8 acre portion of the subject property located on the southwest corner of North Armstrong and East Clinton Avenues for purposes of creating 225 single family residential lots with two recreation areas, open space, and entry and exit gates. The project will apply for a mitigated negative declaration to satisfy environmental requirements.

The Annexation application was needed to initiate annexation proceedings, which would incorporate the subject site into the City of Fresno and detach it from the Fresno County Local Agency Formation Commission (LAFCO). The Plan Amendment/Pre-zone/Rezone application was needed to amend the General Plan to designate the subject site for Single Family Residential – Medium Density planned land use. The Pre-zone application proposes to zone the subject site RS-5 in order to be consistent with the proposed plan amendment. Last, the Planned Development application will authorize modified standards in order to “promote variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities” as submitted by the City of Fresno

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ was shown in the safety zone map included as an attachment. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight. The City has filed for a “determination of no hazard to air navigation” with the FAA, and staff has been provided with documentation showing that the project has indeed filed with the FAA.

Dirk Poeschel introduced himself to the ALUC and welcomed questions regarding the project.

Ray Remy asked why this project was it out of consistency prior to this.

Kelsey George, Planner from the City of Fresno's Planning & Development Department introduced herself and stated that the project was coming before the ALUC because it requires a plan amendment rezone and that it has already been approved for Finding of No Hazard by the FAA.

Therefore, because it received the FAA finding the action was updated to a full finding of consistency.

Staff recommended that the ALUC approves a full finding of consistency for Vesting Tentative Tract Map Number 6241, Annexation Application No. P19-06286, Plan Amendment/Pre-zone Application No. P19-06286, and Planned Development Permit Application No. P19-06286, as submitted.

A motion was made by Steve Rapada and seconded by Ray Remy to approve the City of Fresno Plan Amendment/Rezone/ Planned Development Permit Application No. P19-06286. Staff took a roll call vote and the motion passed with a unanimous vote.

Commissioner Ray Remy then asked if there was an item C on the agenda as the items go from B to D. Staff stated there was no item C.

D. ALUCP Amendment Initiation (Brenda Veenendaal)

Brenda Veenendaal reported on this item. At and after the last ALUC meeting, staff received a request from Commissioner Duarte to amend the current Fresno County Airport Land Use Compatibility Plan, adopted December 3, 2018.

PUC section 21670.1, requires designated (ALUC) agencies to adopt ALUCP amendment processes, adopt processes for the notification of the general public, adopt mediation processes, and adopt general and specific plan consistency processes.

The Caltrans Handbook states that "The review and amendment process should follow essentially the same steps as the original adoption process, which includes preparation of a draft ALUCP and environmental document, circulation for review and comment among affected agencies and the public, a noticed public meeting, incorporation of comments, and adoption by resolution of the ALUCP and its CEQA document." If the ALUCP is adopted, local agencies must amend their plans to be consistent with the ALUCP.

The Handbook also states, "It is recommended that ALUC's differentiate between major and minor amendments. Which it does on page 1-11 of the ALUCP. Staff read the referenced paragraph aloud. In summary, it states:

A major amendment, which can occur only once per year, involves revising the policies in a manner that would change your applicability to a public agency, and new policies, or revise maps. A minor amendment by contrast addresses grammatical, typographical or minor technical errors that do not affect policies or the manner in which those policies are applied to consistency and compatibility reviews.

Brenda Veenendaal also shared that after discussing possible amendment considerations with the ALUC chair she contacted Caltrans Aeronautics and the ALUC's legal counsel as well as Coffman Associates, the contractor who developed the current plan. She shared her findings with the ALUC chair.

Commission Chair Ron Duarte then shared some questions he has about the amendment process. He stated that obviously suggested amendments addressing vulnerable communities, brought up by the Brighton Academy project, would be considered major changes to the ALUCP. Wondering if modifications to an airport site plan, included within the appendix of the ALUCP, that didn't affect runway lengths or require noise mitigation would be considered a minor amendment. Obviously, if it affected the zones and required a map change that would be a major amendment. Suggests we get more information from Coffman Associates regarding the scope of work, timeline and estimated cost to perform an amendment of this type. He said they should also direct staff to contact Caltrans to ask who can determine what is major/minor or is that identified somewhere else. They also should ask about funding available to pay for all associated costs.

Commissioner Ray Remy asked why Caltrans can't make the amendments.

Staff member Brenda Veenendaal explained that Caltrans considers this plan the Fresno County ALUC's document with policies formed and approved by the ALUC. Therefore, it must be updated by the ALUC.

Ray Remy stated that the way it reads, a policy change is a major amendment that can only be made once a year. He asked if that meant once a year for the whole document or just for that item in the document.

Ron Duarte answered, saying it is major, for the whole document.

Steve Rapada suggested that the commission should review the whole document to see if there is anything else they want to amend since a major amendment can only be made to the document once every calendar year.

Ron Duarte agreed, and stated that we need to further define the descriptions of major/minor amendments, but they need to define the possible revenue source first.

Steve Rapada asked if staff can look to see if there is any funding available to pay for the amendment. And suggested that the ALUC needs to look at the document to see what all needs to be amended. Then they can determine whether technical help needs to be obtained.

Brenda stated what was relayed to her regarding amendment processes from Coffman and Caltrans staff. She stated she would look to see what grants are available, but need to refine what type of amendments would need to be made.

Ron again stated he would like to see minor amendments include items within the appendices so that they can be amended per each airport without triggering a full, major amendment.

County Counsel Lindsay Beavers stated that she reviewed the guidance within the California Handbook and didn't see minor amendment processes defined anywhere. She is wondering what the process is for them. Brenda Veenendaal stated she did not know the process either, so Lindsay and Brenda will research it and get back to the Commission.

Dwight Kroll agree that research needs to be done about the cost of a plan amendment, what budget is available and what other items identified by the commission and staff need to be considered so all of that could be done at the same time.

Danny agreed that they need to look into minor and major amendment definitions and the processes to approve them. We need to do something with appendix amendments so that that changes to different airports don't affect each other. Would like to see changes in appendices listed as minor. Ray Remy and Steve Rapada concurred.

Brenda asked if the ALUC members could be reviewing the document for any possible amendments while she pursues answers to their questions.

More discussion continued regarding airport updates within appendices. Need to know if there are policies within the appendices or are the policies just in chapters 2 & 3?

Steve Rapada agreed with all direction given and views that were shared. He had to leave the call at 2:45 pm.

Ray Remy asked for confirmation that this would not have any retroactive effect on previous projects, Ron Duarte confirmed it would not be retroactive.

Dwight Kroll asked staff to reiterate her understanding for tasks moving forward.

The ALUC directed staff to pursue the following clarifications and information prior to the next ALUC meeting:

Ask Coffman Associates-

- What is the duration for an amendment? How long would it take?
- Price ranges for types of amendments? How much would it cost?

Ask Caltrans or other ALUCs-

- Further definition of the difference between a minor and major amendment.
- What is the process for a minor amendment?
- Is there any funding available to ALUC's for amendments?
- Are there policies within appendices? What in an appendices would trigger a major amendment?

No further action was taken on this item.

3. Public Presentations

This portion of the meeting is reserved for persons wishing to address the ALUC on items within its jurisdiction but not on this agenda. **Note: Prior to action by the ALUC on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

No public presentations.

4. Other Business

A. Items from Members

None

B. Items from Staff

1. Upcoming meetings (regular schedule)

- June 1, 2020
- August 3, 2020

Adjournment:

A Motion was made by Ray Remy and seconded by Dwight Kroll to adjourn the meeting at 2:55pm. A vote was called for and the motion carried.