

## FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

**Date:** Thursday, December 6, 2021  
**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 2:03 p.m.

#### A. Pledge of Allegiance

#### B. Roll Call

**PRESENT:** **Commissioners:** Bill Darnell, Ron Duarte  
**Proxies:** Mark Davis, Dwight Kroll

**ABSENT:** **Commissioners:** Sal Quintero, Nathan Magsig, Ray Remy, Bob Beck  
**Proxies:** Mary Fast, John Krikorian, Ari Martinez,

#### **OTHERS ATTENDING:**

Brenda Veenendaal, Fresno COG  
Lindsay Beavers, Legal Counsel  
Braden Duran, Fresno COG  
Alicia Mirndo, COF Airports  
Eduardo, Rodriguez, Fresno Housing

### 2. Action/Discussion Items

#### A. October 4, 2021 ALUC Action Summary

Motion was made by Commissioner Davis and seconded by Commissioner Kroll Review to approve, the October 4, 2021 Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

#### B. November 1, 2021 ALUC Special Meeting Action Summary

A motion was made by Commissioner Davis and seconded by Commissioner Kroll to approve the November 1, 2021 Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

#### C. The Fresno County Airport Land Use Commission's ALUCP Amendment regarding vulnerable communities – Presentation, public hearing, discussion and adoption

The Fresno County Airport Land Use Compatibility Plan (ALUCP) provided policies for use by the Fresno County Airport Land Use Commission (ALUC) when evaluating compatibility between proposals for land use development in the vicinity of public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal,

Selma, Sierra Sky Park and William Robert Johnston Municipal). Additionally, the ALUCP incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that apply within Fresno County. The local agencies that had jurisdiction over land uses within the areas covered by this plan included but are not limited to Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan was prepared in accordance with the requirements of the *California State Aeronautics Act*.

Since adoption of the ALUCP in December 2018, staff and the Airport Land Use Commission had identified policies which may require revision or clarification to enhance implementation of the ALUCP. Specifically, guidance regarding vulnerable occupants within Safety Zone 6. The draft amendments were amended to the ALUCP to add development conditions in safety Zone 6 for uses whose primary purpose was to serve vulnerable occupants, including children, the elderly, and people with disabilities.

While there was no specific guidance from Caltrans or FAA regarding vulnerable occupants within the Caltrans Airport Land Use Planning Handbook, it did state the following:

Uses with Vulnerable Occupants Other types of land uses also tend to be given special deference by the community. These are uses for which risk acceptability cannot be measured simply in terms of the number of occupants. The vulnerability of the occupants to the risks of aircraft accidents must also be considered. In many instances, the appropriate policy may be outright prohibition of new instances of these uses and expansion of existing facilities. Perhaps the most significant uses on this list are schools. This status is reflected in building codes and other regulations that set higher standards for school buildings. Even with respect to aviation-related impacts, the California Education Code (Section 17215(a)) requires special attention be given to new school sites, dictating that Caltrans review and approve sites within two miles of an airport runway. In general, the community gives special attention to protection of children. Similarly, special consideration should also be given, when formulating safety policies, to other facilities that cater to children such as recreation/after-school centers and sports facilities. Two other segments of the population whom are often afforded special consideration and protection are the elderly and disabled. As with children, both groups include individuals who may not know how to respond to an emergency or maybe physically unable to do so. Hospitals, nursing homes, assisted living facilities, and other such uses are ones that usually should be avoided in locations near runways.

Caltrans comments upon review of the adopted 2018 ALUCP was included encouragement to address the protections of vulnerable community uses surrounding airports. These comments specifically stated:

*Draft ALUCP Table 3A does not prohibit land uses with vulnerable occupants in Safety Zone 6. The handbook states that there, "are uses for which risk acceptability cannot be measured simply in terms of the number of occupants.*

No addition of language addressing vulnerable occupants was included in the ALUCP update in response to the comment. However, the need for it became clear following the ALUC's review of a daycare project situated adjacent to Sierra Sky Park Airport within Safety Zone 6 in 2020.

Therefore, this amendment included additional language in Table 3A Safety Criteria Matrix regarding a development condition within Safety Zone 6 that reads:

-Proposed uses whose primary purpose was to serve vulnerable occupants (11) within 3,000 feet from the side of the runway and 5,000 feet from the end of the runway shall require ALUC review. In addition to the prohibited uses listed within Table 3A, any use whose primary purpose is to serve vulnerable occupants in the area described above is strongly discouraged.

Footnote-11 Vulnerable occupants included children, the elderly, and people with disabilities.

This language within Chapter three of the ALUCP was attached for review on page six of the Chapter 3 Draft Changes document. Maps of each airport showing the 3000-5000 foot designated areas were also attached. To date, the ALUC has received no comments regarding the proposed amendment.

The proposed amendments were enhance implementation of the ALUCP by providing clarification and guidance for land uses primarily serving vulnerable occupants. The proposed amendments were not a result in changes to the noise, safety, airspace or overflight compatibility criteria considered as part of the

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ALUCP Initial Study/Negative Declaration adopted on December 10, 2018. As outlined in Section 15164(b) of the State CEQA Guidelines, a lead agency may prepare an Addendum to a previously approved and adopted Negative Declaration if “some changes or additions are necessary but none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Negative Declaration have occurred.”

Fresno County Airport Land Use Commission adopt the Fresno County Airport Land Use Compatibility Plan Amendment, and the Addendum to the Initial Study/Negative Declaration, adopted on December 10, 2018 by attached resolution.

A motion was made by Commissioner Kroll and seconded by Commissioner Darnell to approve the Amendment. A vote was called for and the motion carried.

**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.

None

**4. Other Business**

**A. Items from Members**

**B. Items from Staff**

1. Upcoming 2022 meeting dates (regular schedule)

- February 7
- April 4
- June 6
- August 1
- October 3
- December 5

A Motion was made by Commissioner Darnell and seconded by Commissioner Kroll to adjourn the meeting at 2:33 pm. A vote was called for and the motion carried.