

County of Santa Clara
Airport Land Use Commission

Wednesday, October 24, 2007
Minutes

Special Meeting

1. **Call to Order/ Roll Call.**

The special meeting of the Airport Land Use Commission is called to order by Chairperson Sturdivant at 6:00 p.m. in the Isaac Newton Senter Auditorium, County Government Center, 70 West Hedding Street, San Jose. A quorum is present.

Members Present:

E. Ronald Blake

Ralph Britton

Arthur Knopf

Jack Morton

Barbara Spector

Robert Sturdivant, Chairperson

Walter Windus

2. **Public Presentations**

There are no public presentations.

3. **Approve Consent Calendar - Items marked with an * below.**

On order of the Chairperson, there being no objection, all items are removed from the consent calendar.

* 4. **Approve 2008 Schedule of Meetings.**

On motion of Commissioner Windus, seconded by Commissioner Spector, it is unanimously ordered that the 2008 Schedule of Meetings be approved.

- * 5. **Considered further from September 26, 2007 (Item No. 5): Adopt Reid Hillview CLUP and amendments to the Santa Clara County Airport Land Use Commission's Land Use Plan for Areas Surrounding Santa Clara County Airports("County CLUP") by the Airport Land Use Commission. The project location consists of all of the public use airports in Santa Clara County, (Palo Alto, San Jose International, South County, Reid Hillview, and areas surrounding these airports).**

Chairperson Sturdivant opens the public hearing at 6:04 p.m. Mark Connolly, Planner III, County of Santa Clara Department of Planning and Development, reminds the Commission that the City of San Jose raised concerns at the September meeting relating to the County CLUP. He notes that amendments made to address the concerns of City staff include omitting reference to the Federal Aviation Administration (FAA) Part 77 map as a height restriction boundary and identifying reasonably foreseeable steps that the City will be required to take. He advises that the FAA Part 77 surfaces will be a trigger for review of a project rather than a height restriction boundary. He further reports that the reasonably foreseeable steps the City of San Jose will be required to take include adopting an ordinance regarding the issuance of aviation easements; adopting an ordinance relating to rental/tenant notifications; and amending the City's General Plan to reflect the changes to the County CLUP.

Mr. Connolly continues by informing the Commission that staff amended the Initial Study/Negative Declaration to reflect these changes, and that no recirculation was required. He advises that the staff report details the changes made to these documents. He directs attention to the amended Resolution drafted by County Counsel for consideration by the Commission.

Commissioner Britton requests clarification about the airports affected by the omission of Part 77 surfaces as a height restriction boundary, and Mr. Connolly responds that this omission will affect all airports in the County CLUP. Commissioner Windus clarifies that the Reid-Hillview Airport (RHV) CLUP has retained the Part 77 surfaces as a height restriction boundary. Commissioner Spector inquires about when the issue of Part 77 surfaces will be considered by the ALUC again, and Mr. Connolly responds that the County

CLUP may be amended once per year, and it is possible that the Commission would consider this issue again in 2008.

Commissioner Windus inquires about the status of the One Engine Inoperative Surfaces (OEI) Study that the City of San Jose is in the process of completing. Ex-Officio Commissioner Greene, Airport Planner, San Jose International Airport (SJC), responds that the San Jose City Council may consider the study in early 2008; however, the staff recommendations included in the study are unknown at this time. Chairperson Sturdivant recommends that the Commission wait until the OEI Study is completed to begin a conversation with staff at the City of San Jose relating to utilizing Part 77 surfaces as a height restriction boundary at SJC.

Lizanne Reynolds, County Counsel, Office of the County Counsel, distributes copies of a Resolution for the ALUC to consider for adoption, outlining the changes made since the draft Resolution that was reviewed by the ALUC last month. She notes that one change includes removing language that created ambiguity. Commissioners and staff discuss the process once a Resolution has been adopted.

On motion of Commissioner Windus, seconded by Commissioner Britton, it is unanimously ordered that the California Environmental Quality Act (CEQA) document (Negative Declaration) be approved.

On motion of Commissioner Spector, seconded by Commissioner Knopf, it is unanimously ordered that the Resolution of the Santa Clara County Airport Land Use Commission be adopted, amending the Santa Clara County Land Use Plan for Areas Surrounding Santa Clara County Airports, effective immediately, and adopting a Comprehensive Land Use Plan for Reid-Hillview Airport.

6. **Discuss Santa Clara County Airport Land Use Commission fee schedule.**

Mr. Connolly clarifies that this item is for discussion only, and no action is expected to be taken at the meeting this date. He advises that the ALUC relies on a fee schedule, which was approved in 2004 with the intention of full cost recovery after a \$30,000 stipend from the County General Fund. He provides an overview of the staff analysis of current costs and fees, which found that in Fiscal Year 2006 approximately 24 percent of costs were recovered by the fees received. He notes that this translates to a reliance on the County General Fund for 76 percent of costs relating to the operation of the ALUC.

Mr. Connolly directs attention to the staff report, which provides a list of three potential options for cost recovery and fees. He notes that the staff recommendation is to increase fees; however, the new fees need to be reasonable enough that other jurisdictions will continue to submit voluntary referrals to the ALUC for review. He provides an overview of the three suggested options, the first one of which is full cost recovery with the \$30,000 stipend from the General Fund and would involve an increase in fees of 15 to 20 percent. He advises that the second option involves full cost recovery with no reliance on the General Fund, and the third option involves no increase in fees. He directs attention to a spreadsheet distributed at the meeting this date that outlines the various options and the costs covered by each. He requests that the Commission provide staff with a recommendation, and notes that the ALUC will consider a fee schedule increase in 2008.

Chairperson Sturdivant inquires about the \$30,000 stipend from the General Fund, and Ms Reynolds advises that the stipend was shifted from the budget of the Office of the Clerk of the Board to the Planning and Development Department budget. She notes that the Department no longer has the funds to absorb these costs into its overall budget. Commissioners and staff discuss the expenses related to operating the ALUC.

Ex-Officio (EO) Commissioner Honaker, Director, County Airports, states that the Commission is not precluded from requesting funds from the Board of Supervisors that are allocated specifically for ALUC. Commissioners and staff discuss whether costs relating to amendments to the Comprehensive Land Use Plans should be incorporated into referral fees

or accounted for separately. Commissioner Morton expresses the opinion that the proposed increases in fees are not cost prohibitive for cities attempting to avoid legal risk, and he suggests that staff propose an increase in fees and bring back additional information relating to Option 2, full cost recovery with no reliance on the General Fund.

Commissioner Britton inquires if costs relating to the development of the CLUPs could be recovered from the Airport Enterprise Fund. Ms Reynolds advises that the ALUC first adopted fees in 2004 with some trepidation that the cities would no longer submit voluntary referrals. She reminds the Commission that cities can pass along the costs of referral fees to the developers, and that there is legal precedent for including CLUP costs in referral fees. She notes that the legal environment relating to fees and the costs that can be covered by those fees is different than it was in 2004. In response to an inquiry from Commissioner Britton, Ms Reynolds clarifies that there is a process in place for collecting fees for referrals.

Val Alexeeff, Director, Planning and Development Department, suggests asking the airports to share the costs of developing and amending CLUP documents. EO Commissioner Honaker states that the existence of the ALUC is an unfunded mandate by the State, and he inquires about efforts to obtain State funds. He further advises that there is some grant funding through the State that is available for development of a new CLUP; however, there is a substantial waiting period of five to ten years. EO Commissioner Honaker notes that barring State or County General Fund money, he is not opposed to supporting the ALUC with Airport Enterprise Fund (AEF) money for specific items that affect the airports; however, it would require approval by the FAA to expend AEF money for this purpose.

EO Commissioner Greene notes that this is not a new issue, and he states that historically the City of San Jose has not been willing to provide funding for the ALUC. Commissioner Morton inquires about what happens if the ALUC is not funded, and Ms Reynolds responds that the County departments would absorb the costs into their budgets. She notes that the County of Santa Clara has filed a lawsuit against the State of California to recover the costs of unfunded mandates; however, the ALUC is not considered unfunded, since it has been

given the authority to charge fees. EO Commissioner Honaker suggests supporting legislative proposals for annual state budgets for Airport Land Use Commissions, and he suggests polling other ALUCs to determine where they obtain their funding.

Commissioner Morton states that he sees no alternative to Option No. 2, and he encourages staff to return with a full report about the costs. Commissioner Windus states that obtaining Caltrans funding for the CLUPs is unlikely. He discusses the San Diego County airport structure and ALUC. Chairperson Sturdivant reiterates the suggestion from Commissioner Morton that staff explore Option No. 2 and provide a full report, to include the costs for the Office of the Clerk of the Board and County Counsel. He inquires about the average number of minor project referrals received each year, and Mr. Connolly responds that there are approximately 13 minor project referrals each year, and that the ALUC receives fees for only about half of those because minor projects are often modified.

Commissioners and staff discuss the various types of costs and the projected impact of various changes in fees. In response to an inquiry from Commissioner Britton, Mr. Connolly states that he will provide a more comprehensive report and proposed fee schedule increases in early 2008.

7. **Accept Staff verbal report. (Connolly)**

a. **Minor project referral report**

Mr. Connolly reports that there is one minor project, which involves a subdivision within the Airport Influence Area of South County Airport. He notes that the proposed project is a 3 -lot subdivision of an existing parcel of 19.41 acres, and that a hearing is scheduled for the November 19, 2007 meeting of the Board of Supervisors. He further advises that the request is to divide the parcel into two 5 -acre lots and one 9.41 acre lot.

Mr. Connolly announces that the existing parcel has an avigation easement and that easements run with the land, so the easement will be reissued for all three parcels if the project is approved. He concludes by noting that the proposed project is outside

the noise contour. EO Commissioner Honaker advises that the Airports Department has no objection to the request.

On motion of Commissioner Windus, seconded by Commissioner Morton, it is unanimously ordered that the staff verbal report be accepted.

8. **Accept verbal reports from Ex-Officio Commissioners**

a. **Airport Planner, San Jose International Airport**

EO Commissioner Greene states that there is no report. Chairperson Sturdivant inquires about the status of the One Engine Inoperative (OEI) Study. EO Commissioner Greene responds that the Study is on hold, and that the technical work on the Study was completed approximately a year ago. He notes that interest groups in downtown San Jose are completing an independent study, and this is creating the delay.

Commissioner Blake inquires about recent safety issues at San Jose International Airport (SJC). EO Commissioner Greene states that the FAA defines the recent incident that took place as a runway incursion, and that it was a minor incident between an aircraft and a ground vehicle. He notes that the Airport staff has taken steps to improve lighting and marking in order to avoid any similar incidents in the future. Chairperson Sturdivant inquires if there have been conflicts between general aviation at SJC and the community, and EO Commissioner Greene responds that there has not been conflict in general.

b. **Director of County Airports (Honaker)**

EO Commissioner Honaker reports that the County Airports Department will begin surveys and installation by December 31, 2007 for the new Noise Monitoring and Flight Tracking System. He advises that the Department received a grant for the acoustic treatment of seven homes near Reid-Hillview Airport (RHV), and that it will utilize the program that the City of San Jose operates for the acoustic treatment of homes.

Commissioner Britton inquires about the weather tracking system at RHV. EO

Commissioner Honaker responds that there is no new information about the weather system, and that he is hoping to combine the weather system at South County Airport with one for RHV.

On Commission consensus, it is ordered that the reports be accepted.

9. **Accept Chairperson's verbal report.**

There is no report.

10. **Announcements/Correspondence**

- a. Chairperson Sturdivant reviews the announcement that Boards and Commissions agendas and minutes are now available on the County of Santa Clara website at <http://www.sccgov.org/portal/site/bnc>, and Commissioners are requested to provide any comments/feedback to the Deputy Clerk.
- b. Commissioner Windus advises that the text is nearly complete for the Palo Alto Airport Comprehensive Land Use Plan, and that the text will contain two sets of information relating to noise near the Airport. He notes that Automatic Computer Aided Design (AutoCAD) services have been donated from the City of Palo Alto, and that preliminary AutoCAD conversion is complete. He announces that he anticipates a rough draft will be available for review and initial discussion at the January 2008 ALUC meeting.
- c. Chairperson Sturdivant inquires about the Sea Scout building, and Commissioner Britton responds that he showed the maps to the Sea Scout representatives and stated that it would be better to move the building to the north rather than the south. He notes that he has not heard from the Sea Scouts regarding the final decision about where to move the building.

11. **Adjournment**

On order of the Chairperson, there being no objection, it is ordered that the meeting be adjourned at 7:15 p.m. to the next regular meeting scheduled on November 28, 2007 at 6:00 p.m. in Room 157, County Government Center, 70 West Hedding Street, San Jose.

Respectfully submitted,

JoLene Mittelsteadt

Deputy Clerk