

County of Santa Clara
Airport Land Use Commission

Wednesday, March 26, 2008
Minutes

Regular Meeting

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

The regular meeting of the Airport Land Use Commission (ALUC) is called to order by Chairperson Windus at 6:01 p.m. in Room 157, County Government Center, 70 West Hedding Street, San Jose. A quorum is present.

Members Present:

E. Ronald Blake (Arrives at 6:03 p.m.)

Ralph Britton

Arthur Knopf

Jack Morton

Barbara Spector

Robert Sturdivant

Walter Windus, Chairperson

Ex-Officio (EO) Members Present:

Cary Greene, San Jose International Airport

Carl Honaker, County Airports

2. **Public Presentations**

There are no public presentations.

(Commissioner Blake arrives at 6:03 p.m.)

3. **Approve minutes of January 23, 2008.**

Commissioner Britton directs attention to page three, second paragraph, and he requests that the second sentence be deleted from the minutes. Continuing, he directs attention to page four, first paragraph, fourth sentence, and he requests that the minutes be amended to read "consistency with FAR Part 77 guidelines." Additionally, he directs attention to page

eight, second paragraph, first sentence, and he requests that the minutes be amended to read "for submission to cities."

Commissioner Sturdivant directs attention to page four, second paragraph, and he requests that the minutes be amended by deleting the last sentence of the paragraph.

Chairperson Windus directs attention to page nine, third paragraph, and he requests that the minutes be amended to read "roads, railroads and rivers."

On motion of Commissioner Morton, seconded by Commissioner Spector, it is unanimously ordered that the minutes of January 23, 2008 be approved, as amended.

4. **Adopt a resolution adopting a new fee schedule for the Santa Clara County Airport Land Use Commission.**

Mark Connolly, Planner III, Department of Planning and Development, provides background information on ongoing efforts to achieve total cost recovery for referrals to the Airport Land Use Commission (ALUC). He advises the Commission that the County has expressed interest in projects and referrals achieving complete cost recovery, and he continues by stating that the pricing model currently used to assess referral fees was adopted in March 2004 and proposed full cost recovery through a \$30,000 allocation that is no longer available from the County General Fund. He indicates that the fee structure for minor and major referrals is outdated and needs revision to reflect rising costs.

Additionally, he details that a major referral can represent a General Plan Amendment, a rezoning, or a change to building codes, while minor referrals can be other projects planned in the Airport Influence Area (AIA).

Mr. Connolly explains that the ALUC has been considering a fee increase over the past three to four months, and he reminds Commissioners that at a recent workshop session Commissioners requested that staff develop a cost recovery plan more representative of how the ALUC does business. Further, he clarifies that costs should not unduly inhibit referrals to the Commission, and he informs the Commission that one method to limit the

imposition of the fee hike would be to spread a smaller fee increase over a period of time. He informs the Commission that the Department of Planning and Development has met with the Finance Agency to develop four options to achieve cost recovery through weighted or unweighted averages over 10 or 20 years. Continuing, he summarizes that the cost recovery will factor in the \$50,000 estimated cost of developing each Comprehensive Land Use Plan (CLUP), including one for Palo Alto Airport (PAO), South County Airport (E16) and San Jose International Airport (SJC).

Mr. Connolly explains the current fee structure, and he notes that the plan favored by staff would charge a base fee of \$3,414 for major referrals and \$160 per hour beyond the first 20 hours, with a base fee of \$734 for minor referral and \$160 per hour beyond the first 4.5 hours. He reiterates that the goal is to compensate for the real costs staff incurs in reviewing referrals. Commissioners Britton and Spector discuss the change in the number of hours allocated in the base fee for investigating referrals and slight change in per hour cost for investigation. In response to an inquiry by Commissioner Sturdivant, Mr. Connolly responds that fee structures are typically revisited every two to three years. He adds that the ALUC need not forward a recommendation to the Board or a Board Committee to enact the appropriate Resolution, and he states that the Commission can also revisit its fee structure at a future date to evaluate the budgetary implication of decisions made through the currently proposed Resolution. He notes that the Commission could also, as a matter of procedure, raise the fee structure by a flat two to three percent per year.

Commissioners discuss the prevalence of minor referrals regarding E16, and Mr. Connolly indicates that if after reviewing expenditures and revenues after a period of months it appears that estimates were incorrect, the Commission could reconsider the fee structure or appropriate amendments. Commissioners voice support for the usage of rounded numbers in the fee schedule, and Commissioner Morton recommends that the cost of major referrals be rounded to a base fee of \$3,500 and minor referrals be rounded to a base fee of \$700.

On motion of Commissioner Morton, seconded by Commissioner Sturdivant, it is unanimously ordered that the fee schedule be changed to charge \$3,500 and \$160 for each

additional hour beyond 20 hours for major referrals and \$700 and \$160 for each additional hour beyond 4.5 hours for minor referrals.

Commissioner Spector notes that the estimated cost of developing the CLUPs did not include the costs for their preparation by Chairperson Windus, and she points out that the fee schedule would have higher costs had Chairperson Windus not volunteered his time. Chairperson Windus specifies that he neither receives nor is interested in receiving compensation for his efforts in developing the CLUP. Further, Mr. Connolly notes that the fee schedule includes Department of Planning and Development and Office of the Clerk of the Board staff costs.

On motion of Commissioner Morton, seconded by Commissioner Britton, it is unanimously ordered that a Resolution be adopted specifying the new fee schedule of charges for major and minor referrals.

Commissioner Morton and Mr. Connolly discuss the possibility of changing the fee structure at a later date if referrals require extensive review of California Environmental Quality Act (CEQA) implications.

5. **Discuss draft South County Airport, Palo Alto Airport, and Reid-Hillview Airport (RHV) Comprehensive Land Use Plans.**

Chairperson Windus provides background information on changes made to E16 and PAO draft CLUPs. He directs attention to a draft E16 CLUP and advises that changes have been made according to comments made at the previous Commission workshop. EO-Honaker directs attention to an enlarged map for the review of the Commission.

Chairperson Windus relates details of the decreased AIA at E16 and discusses an Airport Layout Plan (ALP) approved by the Federal Aviation Administration (FAA) in 1988 and one currently being review by the FAA that includes a planned runway expansion. Chairperson Windus and EO-Honaker discuss when amendments to the Master Plan are likely to occur in light of an Environmental Impact Report (EIR) which will need to be

filed. Commissioners additionally state that it may be best to use the existing ALP and readjust later if the Board of Supervisors adopts a new Master Plan. Commissioner Morton expresses his support for this plan. Chairperson Windus details changes to the AIA from the previous draft E16 CLUP. Mr. Connolly cites a meeting at the City Hall of the City of Morgan Hill at which a draft E16 CLUP will be introduced. Continuing, Commissioners and staff discuss various phases of public notification and the nexus with notification of the Board of Supervisors.

Commissioner Sturdivant and Mr. Connolly point out various details in the document for clarification or correction. Commissioners and staff discuss the inclusion of a provision regarding lighting which could be mistaken by pilots as runway lighting. They continue by considering the clause in terms of legality, enforcement, and the relationship to clauses on accessory structures.

Chairperson Windus, EO-Honaker, and Mr. Connolly comment on the draft PAO CLUP and its similarity to the draft E16 CLUP. Chairperson Windus directs attention to various Geographic Information System (GIS) maps outlining the boundaries of the AIA. Commissioners discuss the location of the airport runway in reference to various maps, and there is general consensus to make the runway more apparent and make an airplane graphic smaller. EO-Honaker comments on the extension of the AIA into the Bay and AIA overlap into San Mateo County. In response, Chairperson Windus cites legislature that allows ALUC bodies from multiple jurisdictions to develop a joint plan. Continuing, Commissioners and staff discuss the graphical representation of various maps, color changes, and the highlighting of landmarks and areas of importance. Commissioners discuss meeting on the draft CLUP with various other organizations.

6. **Approve time-extension for the City of San Jose to review draft Reid-Hillview Airport CLUP.**

Mr. Connolly informs the Commission that the City of San Jose (CSJ) is requesting a precautionary time extension, beyond the 180 days allotted, for a General Plan Amendment regarding the AIA. Mr. Connolly notes that the 180 day deadline would occur on April 24, 2008, and he continues by providing the Commission with a brief overview of deadlines

and voicing support for an extension to be granted.

On motion of Commissioner Britton, seconded by Commissioner Morton, it is unanimously ordered that an extension be granted from the 180 day deadline to July 30, 2008 for the CSJ General Plan Amendment regarding the AIA.

Jenny Nusbaum, Senior Planner, CSJ, discusses various dates at which the City Council may consider the action, and Commissioner Sturdivant discusses the complexity of the endeavor and appropriateness of an extension.

7. **Accept staff verbal report relating to minor project referrals.**

Mr. Connolly advises the Commission that one minor referral was received and pertained to a 12.5 acre parcel on Murphy Avenue in San Martin. He notes that the proposed changes would create two lots for single family homes, with both outside of safety and noise zones. Further, he explains that the project was approved, as it was found consistent with the CLUP, with a stipulation for an avigation easement. Commissioners and staff discuss the location of the parcel and its proximity to the safety zone.

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

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

EO-Greene updates the Commission on interaction with the Federal Aviation Administration (FAA), an air obstruction study, and a validation study.

Commissioner Morton briefly discusses One Engine Inoperative (OEI) bounds at the airport.

b. **Director of County Airports**

EO-Honaker and Lizanne Reynolds, Deputy County Counsel, Office of the County Counsel, discuss the development of a formalized agreement concerning an avigation easement. EO-Honaker continues by relating details of concerns about major airports becoming impacted and the resultant air travel that may be transferred to General Aviation (GA) airports.

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

Chairperson Windus communicates that he will provide Mr. Connolly and Ms Reynolds with Word and Portable Document Format (PDF) versions of a draft Countywide CLUP that include small grammatical and page reference changes and the removal of references to RHV. Additionally, he notes that the adoption of CLUPs for E16 and PAO will necessitate the removal of their respective references from the Countywide CLUP, as well. There is general consensus that this will be further discussed at the next workshop meeting.

10. **Accept correspondence.**

There is no correspondence.

11. **Announcements:**

Mr. Connolly indicates that Commissioner Britton has been reappointed to the Commission. Commissioner Sturdivant discusses a recent dedication, and Commissioner Blake recounts the progress of a referral by Chairperson McHugh of the Board of Supervisors on investigating legal and financial implications and alternatives relating to alternate land usage of RHV. Further, Commissioner Blake notes that Administration has been directed to report back to the Board on legal issues associated with possible airport closure. Mr. Connolly notes that the ALUC staff are not involved in the referral to Administration.

12. **Adjournment.**

On order of the Chairperson, there being no objection, it is ordered that the meeting be adjourned at 7:58 p.m. to the next workshop meeting on Wednesday, April 23, 2008 at 6:00 p.m. in Room 157, County Government Center, 70 West Hedding Street, San Jose.

Respectfully submitted,

Roy Stone
Deputy Clerk