

memorandum

date March 8, 2018

to Jim Leland

from Harriet Ross
Chris Jones, AICP

subject CEQA Compliance for the Rio Vista Airport Land Use Compatibility Plan

Introduction

This memorandum addresses the required level of review for compliance with the California Environmental Quality Act (CEQA) for the proposed *Rio Vista Airport Land Use Compatibility Plan* (hereafter referred to as the proposed ALUCP or proposed project) currently under development by the Solano County Airport Land Use Commission (ALUC or Commission).¹

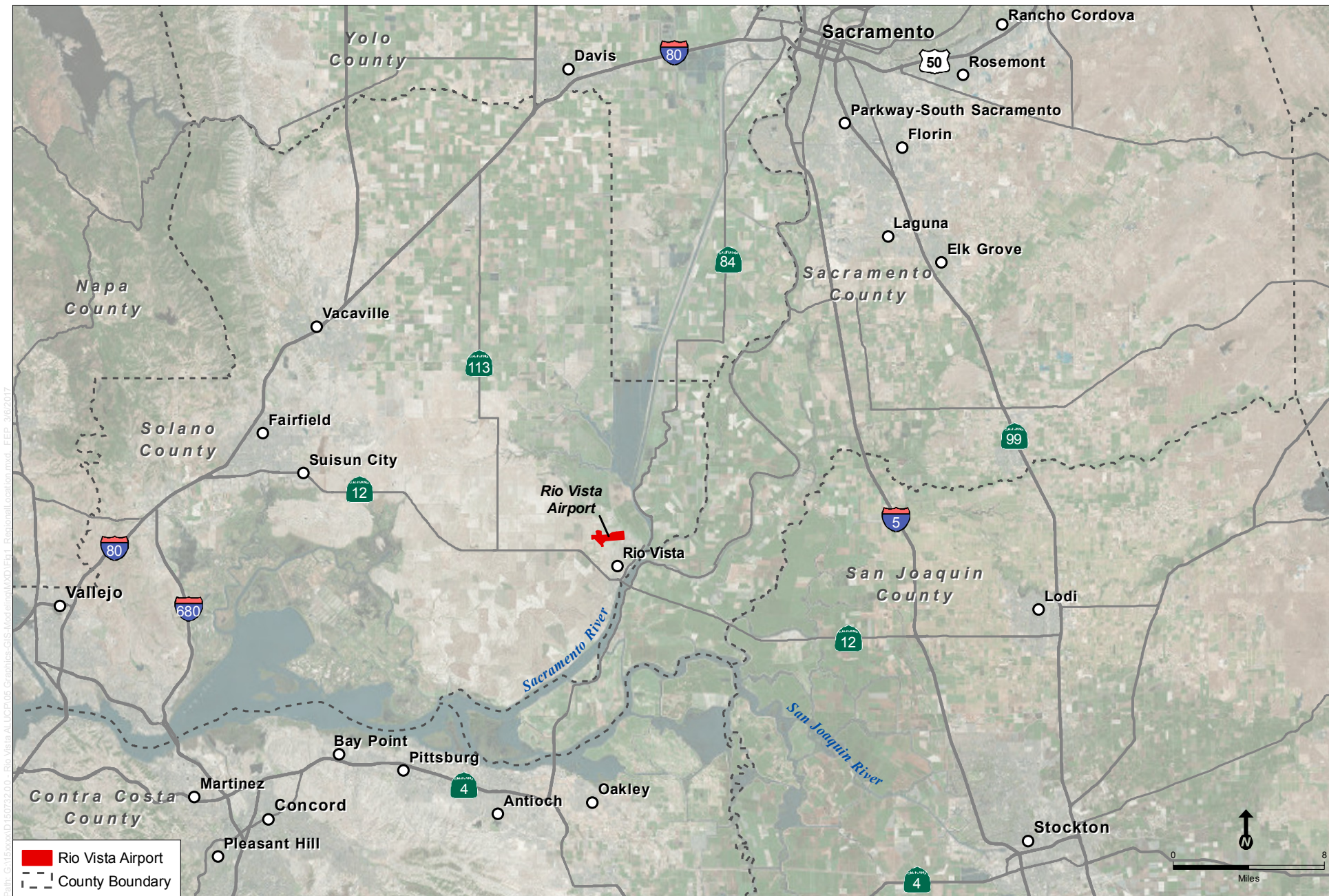
The proposed ALUCP presents an update to the land use compatibility policies that apply to future development in the vicinity of Rio Vista Airport (also referred to as the Airport). The policies are designed to ensure that future land uses in the surrounding area will remain compatible with the realistically foreseeable, forecasted aircraft activity at the Airport. As adopted by the Solano County ALUC, these policies provide the foundation through which the ALUC can execute its duties in land use development review, in accordance with Section 21670 et seq. of California's Public Utilities Code.

The compatibility criteria defined by the proposed ALUCP policies are also intended to be reflected within general plans and other policy instruments adopted by jurisdictions that manage land uses near Rio Vista Airport. Specifically, the proposed ALUCP affects and requires action by Solano County, the City of Rio Vista, and any other local agencies considering proposed actions that directly affect the use of land within the Airport Influence Area (AIA).

The Legislature has also clarified that "special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of ... article" 3.5 of the State Aeronautics Act, regarding airport land use commissions and ALUCPs.

Figure 1 provides a map of the regional location of Rio Vista Airport and its surroundings. Rio Vista Airport is located in the greater Sacramento-San Joaquin River Delta region, approximately 27 miles southwest of the City

¹ County of Solano. 2018. *Public Draft Rio Vista Airport Land Use Compatibility Plan*.



SOURCE: ESA, 2017; ESRI Mapping Services

Rio Vista Municipal Airport ALUCP.150732

Figure 1
Regional Location

of Sacramento and 46 miles northeast of the City of San Francisco. The Airport is approximately two miles to the west of the Sacramento River, and is also located approximately 16 miles west of the Interstate 5 highway (I-5).

CEQA (Pub. Res. Code, §§ 21000–21189) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. As the California Supreme Court articulated in *Muzzy Ranch v. Solano County Airport Land Use Commission*, (2007) 41 Cal. 4th 372 (“*Muzzy Ranch I*”), lead agencies must engage in a three-tier process for reviewing a proposed project as it relates to compliance with CEQA. The steps in the analysis include determining whether the activity is a project as defined by CEQA, whether the project qualifies for an exemption, and, if it does not qualify for an exemption, the preparation of an initial study to determine if the project would result in significant environmental effects. The following analysis concludes that the proposed ALUCP is a project under CEQA, but that it would fall within the “common sense” exemption as discussed below.

I. Is the proposed Rio Vista ALUCP a “Project” subject to CEQA?

In *Muzzy Ranch I*, the California Supreme Court determined that an agency’s adoption of an ALUCP is a “project” under Section 15378 of the State CEQA Guidelines. The court reasoned that airport land use compatibility plans, or revisions thereto, “can operate like a multijurisdictional general plan to trump the land use planning authority that affected jurisdictions might otherwise exercise through general and specific plans or zoning.” *Muzzy Ranch I, supra*, at 384-385. Therefore, the Solano County ALUC’s adoption of the Rio Vista ALUCP meets the definition of a “project” and is thus subject to CEQA.

II. Does the proposed ALUCP fall within an exemption?

A. *Statutory Exemptions*

Once an activity is determined to be a project subject to CEQA, the next step is to determine whether it falls within one of the exemptions. In adopting CEQA, the Legislature granted exemptions for various projects as described in State CEQA Guidelines sections 15260 through 15285. The statutory exemptions in these sections include ministerial projects, emergency projects, and certain pipeline projects. The proposed ALUCP does not fall within any of CEQA’s statutory exemptions.

B. *Categorical Exemptions*

CEQA also includes a list of categorical exemptions for classes of projects that have been determined to not have a significant effect on the environment. The classes of categorical exemptions are described in the CEQA Guidelines sections 15301 through 15333. Classes of categorically exempt projects include modifications to existing facilities, accessory structures, minor divisions of land, and qualified in-fill development. State CEQA Guidelines section 15300.2 qualifies the use of categorical exemptions for certain classes when certain circumstances are present. For example, a categorical exemption may not be used for a project that could result in a substantial adverse change in the significance of a historical resource. The proposed ALUCP does not fall within any of the classes of categorical exemptions.

C. “Commonsense” Exemption

If a project does not qualify for one of the statutory or categorical exemptions, it may “nonetheless be found exempt under what is sometimes called the ‘commonsense’ exemption, which applies “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”” *Muzzy Ranch I, supra*, at 380. The common sense exemption and its requirements are included in section 15061(b)(3) of the CEQA Guidelines.

In reviewing whether a project falls within the common sense exemption, a lead agency must evaluate whether physical changes and environmental impacts are reasonably foreseeable. In *Muzzy Ranch I*, the Court explained that this evaluation need not be exhaustive, but that the level of detail of the analysis should be based on multiple factors, including the nature of the project and ability to forecast actual future effects (see *Muzzy Ranch I, supra*, at 388). Accordingly, the following analysis addresses the potential for implementation of the proposed ALUCP to result in displacement of future land uses that could result in environmental impacts.

Displacement Analysis

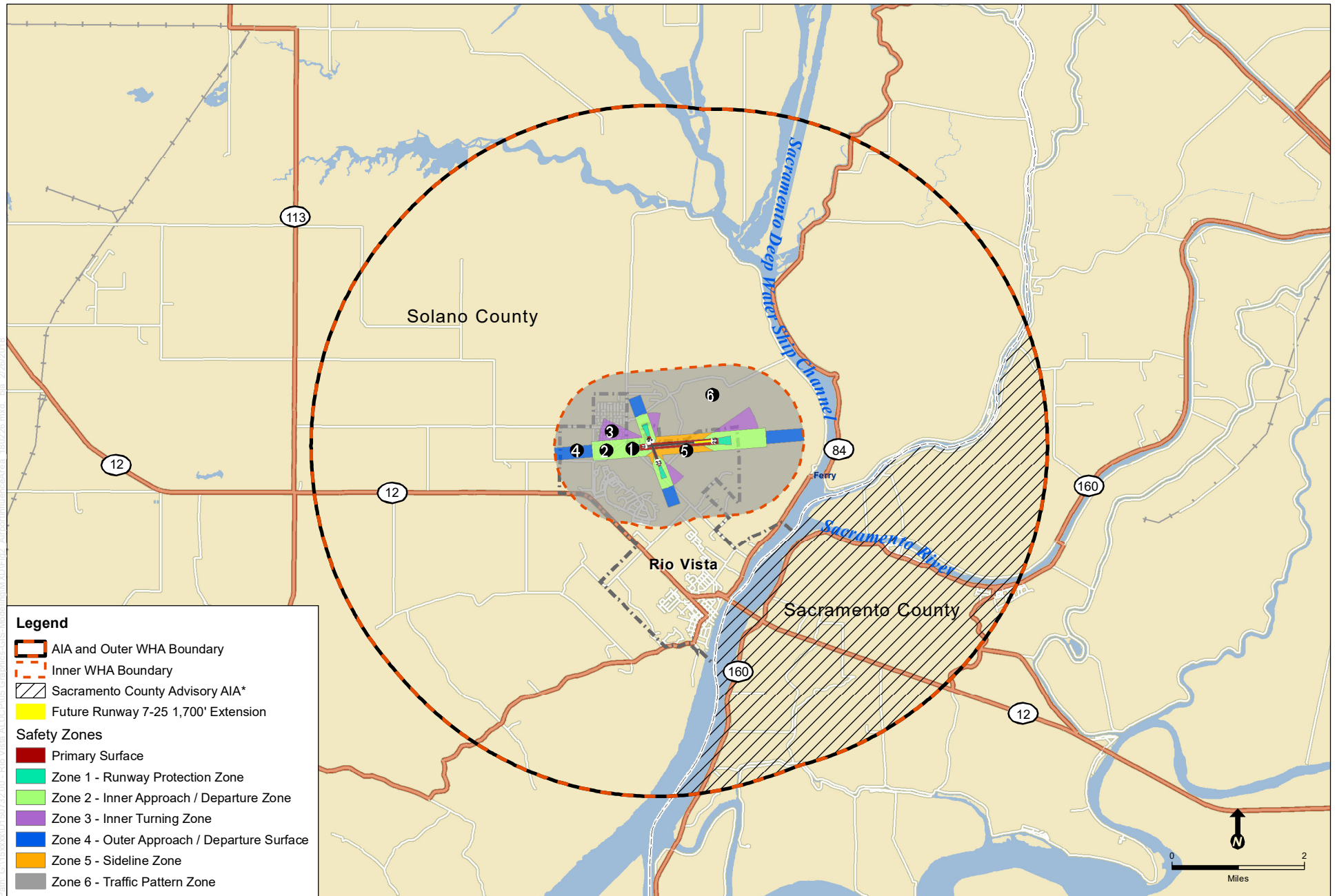
A development displacement analysis was conducted by ESA to inform local planning agencies of the potential for displaced development, and associated consequences, to enable them to plan accordingly.² The *Draft Rio Vista Airport Development Displacement Analysis Technical Report* is included as Appendix A and summarized below.

The displacement analysis evaluated the potential for adoption of the proposed ALUCP to unintentionally result in the displacement of future land uses within portions of the AIA (**Figure 2**). The proposed ALUCP includes policies and criteria that would regulate the development of certain land uses in parts of the AIA, including some land uses that would be allowable under local general plans and zoning ordinances.

The displacement analysis evaluated policy changes pertaining to the revised Safety Zones (Safety Zones 1, 2, 3, 4, and 6) could restrict the future development of residential and non-residential land uses on vacant parcels located therein. The safety zones are depicted on **Figure 3**. The following list describes the more restrictive changes in the ALUCP update:

- Safety Zone 1 restricts maximum non-residential intensity to 0 people per acre. This is more restrictive than the maximum intensity of 10 people per acre provided within Compatibility Zone A in the 1988 ALUCP.
- Safety Zone 2 limits residential density to a maximum of 0.1 dwelling unit per acre (du/ac). This is more restrictive than the maximum residential density of 0.3 du/ac found in Compatibility Zone B in the 1988 ALUCP.
- Safety Zone 3 limits residential density to a maximum of 0.5 du/ac. This is more restrictive than the maximum residential density of 1 du/ac found in Compatibility Zone C in the 1988 ALUCP.
- Safety Zone 4 limits residential density to a maximum of 0.5 du/ac. This is more restrictive than the maximum residential density of 4 du/ac found in Compatibility Zone D in the 1988 ALUCP.

² County of Solano. 2018. *Draft Rio Vista Airport Development Displacement Analysis Technical Report*.



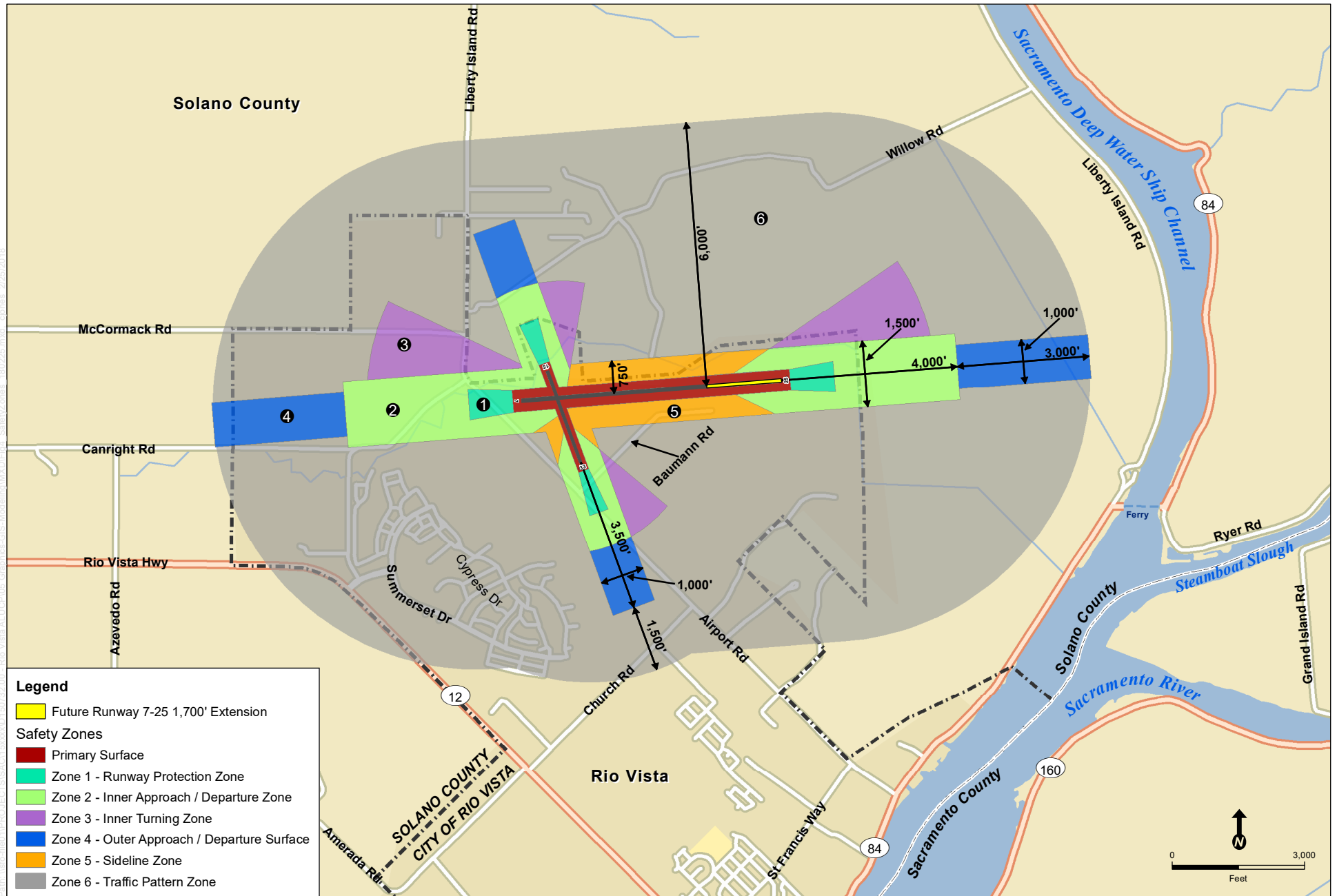
SOURCE: California Airport Land Use Planning Handbook, October 2011; ESA, 2016; ESRI Mapping Services

*NOTE: Crosshatched areas are in Sacramento County, outside the jurisdiction of the Solano County Airport Land Use Commission. The Rio Vista ALUCP is advisory only in these areas

Rio Vista Municipal Airport ALUCP.150732

Figure 2

Rio Vista Municipal Airport Influence Area



SOURCE: California Airport Land Use Planning Handbook, October 2011; ESA, 2016; ESRI Mapping Services

Rio Vista Municipal Airport ALUCP.150732

Figure 3

Rio Vista Municipal Airport Safety Zones

- There were portions of two vacant parcels observed within Safety Zone 5. However, Safety Zone 5 limits residential density to a maximum of 1 du/ac and non-residential intensity to 70 people per acre. This is more restrictive than the residential density limit of 6 du/ac and unlimited intensity in Compatibility Zone E in the 1988 ALUCP. Notwithstanding this, this land is currently designated for agricultural use in the Solano County General Plan which gives a more restrictive designation for these parcels than the proposed ALUCP.
- Safety Zone 6 has no limits on residential density but limits non-residential intensity to a maximum of 200 people per acre (800 people when development is clustered). This is more restrictive than the generally unlimited intensity allowed in Compatibility Zone F in the 1988 ALUCP. However, the 1988 ALUCP suggested that no more than 100 people per structure should be allowed within Compatibility Zone F under the aircraft flight tracks, and that large assemblages should not exceed 300 people located in close proximity with one another.

The second set of policy changes, involving wildlife hazards, could potentially result in displacement for several vacant parcels containing non-residential land uses. **Figure 4** depicts the two Wildlife Hazard Analysis (WHA) areas in which these policies apply. The Inner WHA Boundary, which extends to the outermost boundary of the safety and overflight notification zones, is intended to minimize bird strike hazard occurrence and builds on the policies designed to avoid bird attractants found in the 1988 ALUCP. The Inner WHA Boundary is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5200-33B. The Outer WHA Boundary extends to a radius of five miles from the AOA and also is based on AC 150/5200-33B. This boundary also comprises the AIA for Rio Vista Airport. FAA AC 150/5200-33B provides guidance for minimizing the risks that certain wildlife species pose to aircraft. Together, these two perimeters impose additional conditions on certain types of land uses that are known to attract wildlife that are hazardous to aircraft operations. The Inner WHA Boundary specifically seeks to minimize any new or expanded land uses that are or include hazardous wildlife attractants, such as public parks, golf courses, water treatment plants, landfills, agricultural lands, wetlands, and open space.

As discussed in Section 5.8 in the ALUCP, any new consistency determinations for general plan amendments or zoning changes in the Inner WHA Boundary will be required to analyze the potential for wildlife attractants and must incorporate reasonably feasible mitigation measures to prevent wildlife hazards. Outside the Inner WHA Boundary and within the Outer WHA Boundary, any land use or expanded land use requiring discretionary review from a local agency that has the potential to attract the movement of hazardous wildlife and cause bird strikes must demonstrate that hazards to flight will be minimized. Consequently, environmental impacts may arise from the displacement of future land uses from one area to another.

The third grouping of policy changes pertains to the possible limitation of three specific non-residential uses: solar facilities, wind turbine facilities, and other objects greater than 100 feet in height above ground level (AGL) including meteorological towers. While the proposed land use policies have the potential to limit the development of these land uses in certain areas of the city of Rio Vista and Solano County, all three of these land uses may still be developed within the Airport environs as long as they are consistent with ALUCP policies. Additional analysis of the effects of these policy changes is found in Chapter 3.

Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the Rio Vista Airport AIA, there is the potential for increased growth pressure in other areas of the AIA. If this “displaced” development was to occur, potential environmental impacts might include localized increases in vehicular traffic volumes and related increases in noise and air emissions.

All future development within the AIA, whether it is “displaced” or not, will be subject to the zoning and permitting authority of the City of Rio Vista and Solano County. While a portion of the AIA, notably the Outer WHA Boundary, is located in Sacramento County and the City of Isleton, the Solano County ALUC—and therefore this ALUCP—has jurisdiction only within Solano County boundaries. It is likely that future development projects within the updated ALUCP will undergo environmental review at the project level. Environmental impacts arising from future development projects will have to be specifically considered in the appropriate environmental documents prepared for those projects as a condition of permit issuance. The purpose of this development displacement analysis, therefore, is to inform local planning agencies of the potential for displaced development, and associated consequences, to enable them to plan accordingly.

Non-Residential Issues Not Screened Further

Policies related to the development of solar facilities, wind turbine facilities, and other objects greater than 100 feet in height AGL were updated in the ALUCP. As regards wind turbines, the updated ALUCP defers to the policies included in the Travis AFB ALUCP. These policies have been in effect since adoption of the Travis AFB ALUCP in October 2015. Accordingly, no displacement of solar facilities or wind turbines would occur as a result of the updated Rio Vista Airport ALUCP.

As regards solar facilities, developers of solar facilities are now required to provide a glint and glare study based on the Solar Glare Hazard Analysis Tool (SGHAT) model to demonstrate that the proposed or expanded facility would not pose a glint or glare risk. As long as proposed facilities do not cause glint or glare and are below the height limits associated with each compatibility zone, these future facilities could be located throughout Rio Vista and Solano County, in surrounding counties, and in other areas of the state or country. The outcome of an unfavorable SGHAT analysis typically results in adjustment to the planned tilt or orientation of a proposed array in order to reduce glint and glare, not relocation of a proposed array to a different site. Therefore, displacement of solar facilities is not anticipated to occur.

Other structures, including new meteorological towers, are required to undergo ALUC review if they are:

- ≥ 35 feet AGL in Safety Zone 2
- ≥ 50 feet AGL in Safety Zone 3
- ≥ 100 feet AGL in Safety Zone 4
- ≥ 200 feet AGL in Safety Zones 5 and 6

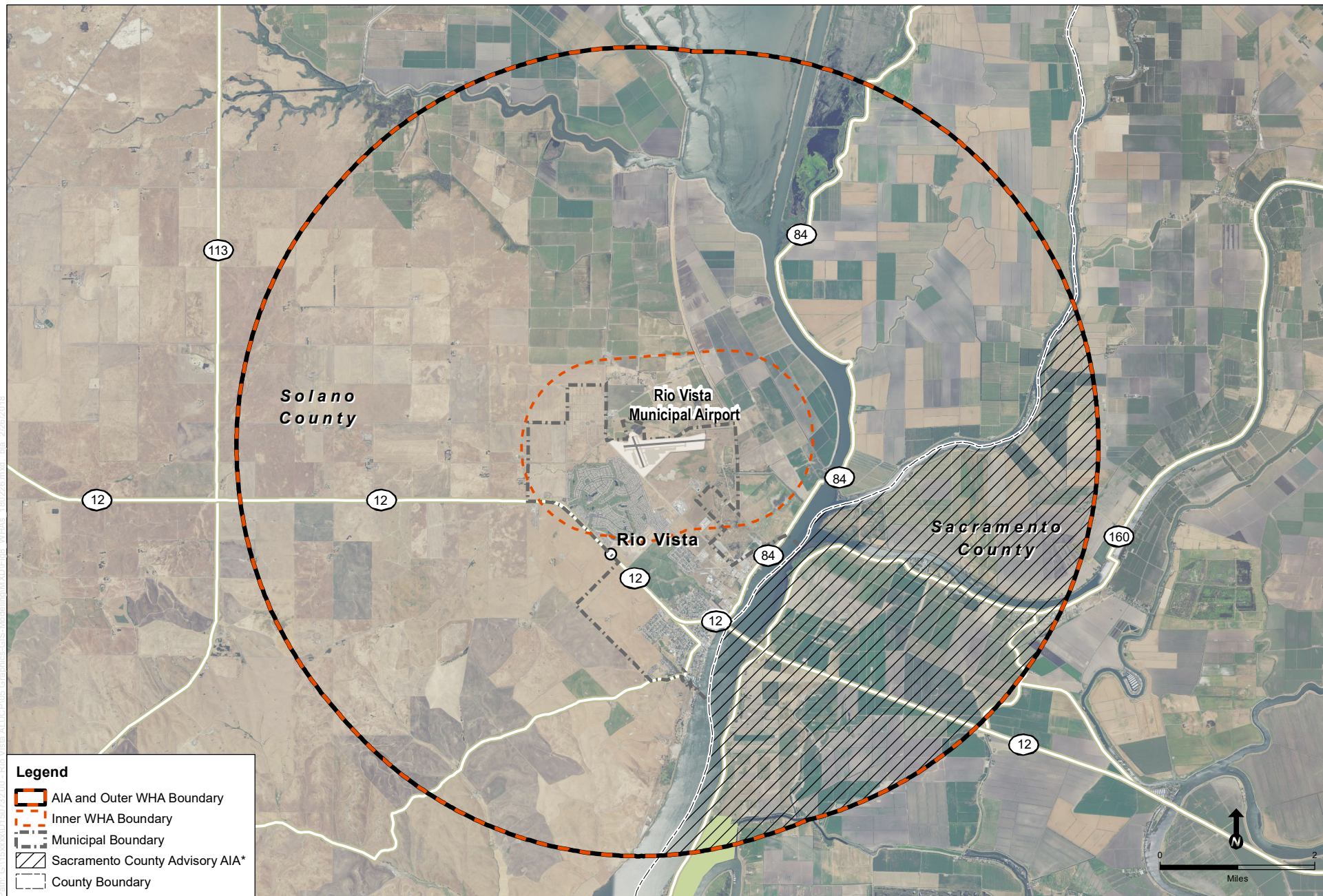
These height limits are consistent with the height limits established in the current ALUCP which are established in accordance with 14 CFR Part 77, as well as the standards established in the Travis AFB ALUCP and would not lead to potential displacement.

Vacant Parcel Screening Analysis

Vacant parcels within the Inner WHA Boundary and Outer WHA Boundary were identified using a parcel database obtained from the Solano County Assessor/Recorder’s office. The database includes detailed information on each parcel, including the jurisdiction in which the parcel is located, parcel size, and existing land use. This information was augmented using geographic information systems (GIS) datasets derived from the City of Rio Vista and Solano County General Plans. These data sets were used to identify the planned land use for each parcel. Parcels without development potential (i.e., already developed or entitled by approved future development) were excluded from the analysis. In addition, parcels with land uses determined to be consistent

with the policies in the proposed ALUCP were also excluded from further analysis. In total, 12 vacant parcels planned for non-residential uses were identified within the Inner WHA Boundary and 57 vacant parcels planned for non-residential use were identified within the Outer WHA Boundary.

Table 1 provides information regarding the 12 vacant non-residential parcels with development potential within the Inner WHA Boundary.



SOURCE: California Airport Land Use Planning Handbook, October 2011; ESA, 2016; ESRI Mapping Services

*NOTE: Crosshatched areas are in Sacramento County, outside the jurisdiction of the Solano County Airport Land Use Commission. The Rio Vista ALUCP is advisory only in these areas

**TABLE 1
VACANT AND DEVELOPABLE PARCELS IN THE INNER WHA BOUNDARY AT RIO VISTA AIRPORT**

Perimeter	APN	Jurisdiction	General Plan Land Use Designation	Acreage
Inner WHA Boundary	0177110250	City of Rio Vista	Industrial (General)	4.12
Inner WHA Boundary	0177110240	City of Rio Vista	Industrial (General)	29.56
Inner WHA Boundary	0177110230	City of Rio Vista	Industrial (General)	12.01
Inner WHA Boundary	0176460010	City of Rio Vista	Industrial (Limited)	33.16
Inner WHA Boundary	0176010140	City of Rio Vista	Industrial (Warehouse)	9.25
Inner WHA Boundary	0176460020	City of Rio Vista	Industrial (Limited)	0.67
Inner WHA Boundary	0176321280	City of Rio Vista	Open Space	0.19
Inner WHA Boundary	0177100130	City of Rio Vista	Agricultural/Open Space	23.00
Inner WHA Boundary	0176321270	City of Rio Vista	Open Space	0.16
Inner WHA Boundary	0176010660	City of Rio Vista	Industrial (Warehouse)	51.27
Inner WHA Boundary	0176336090	City of Rio Vista	Industrial (Warehouse)	0.09
Inner WHA Boundary	0176336120	City of Rio Vista	Industrial (Warehouse)	0.11
TOTAL	--	--	--	163.59

SOURCES:

City of Rio Vista, 2017. City of Rio Vista Municipal Code, Title 17; accessed at <http://qcode.us/codes/riovista/> on August 17, 2017.
City of Rio Vista, 2002. Rio Vista General Plan 2001. Adopted July 18, 2002.

Table 2 provides information regarding the 57 vacant non-residential parcels with development potential within the Outer WHA Boundary.

**TABLE 2
VACANT AND DEVELOPABLE PARCELS IN THE OUTER WHA BOUNDARY AT RIO VISTA AIRPORT**

Perimeter	APN	Jurisdiction	General Plan Land Use Designation	Acreage
Outer WHA Boundary	0178141170	City of Rio Vista	Highway Commercial	0.63
Outer WHA Boundary	0178135050	City of Rio Vista	Downtown	0.17
Outer WHA Boundary	0178220020	City of Rio Vista	Industrial (General)	4.54
Outer WHA Boundary	0178121160	City of Rio Vista	Downtown	0.20
Outer WHA Boundary	0177110250	City of Rio Vista	Industrial (General)	4.12
Outer WHA Boundary	0178121140	City of Rio Vista	Downtown	0.13
Outer WHA Boundary	0178220050	City of Rio Vista	Industrial (General)	5.88
Outer WHA Boundary	0049193090	City of Rio Vista	School	0.13
Outer WHA Boundary	0178134070	City of Rio Vista	Downtown	0.16
Outer WHA Boundary	0177130080	City of Rio Vista	Study Area	3.46
Outer WHA Boundary	0049163020	City of Rio Vista	Downtown	0.12
Outer WHA Boundary	0049163020	City of Rio Vista	Downtown	0.12
Outer WHA Boundary	0049163020	City of Rio Vista	Downtown	0.12
Outer WHA Boundary	0177140050	City of Rio Vista	Study Area	0.31
Outer WHA Boundary	0049156100	City of Rio Vista	Downtown	0.04
Outer WHA Boundary	0177110240	City of Rio Vista	Industrial (General)	29.56
Outer WHA Boundary	0177140070	City of Rio Vista	Study Area	1.63
Outer WHA Boundary	0178151110	City of Rio Vista	Highway Commercial	0.18
Outer WHA Boundary	0178020040	City of Rio Vista	Industrial (General)	5.15
Outer WHA Boundary	0049161120	City of Rio Vista	Downtown	0.08
Outer WHA Boundary	0176434080	City of Rio Vista	School	0.21
Outer WHA Boundary	0178152210	City of Rio Vista	Highway Commercial	0.56
Outer WHA Boundary	0177110210	City of Rio Vista	Industrial (General)	2.96
Outer WHA Boundary	0049175090	City of Rio Vista	Historic Residential	0.21

TABLE 2
VACANT AND DEVELOPABLE PARCELS IN THE OUTER WHA BOUNDARY AT RIO VISTA AIRPORT

Perimeter	APN	Jurisdiction	General Plan Land Use Designation	Acreage
Outer WHA Boundary	0177140080	City of Rio Vista	Industrial (General)	0.88
Outer WHA Boundary	0049131090	City of Rio Vista	Highway Commercial	3.29
Outer WHA Boundary	0049131050	City of Rio Vista	Highway Commercial	0.84
Outer WHA Boundary	0178020060	City of Rio Vista	Industrial (General)	5.46
Outer WHA Boundary	0049183070	City of Rio Vista	Historic Residential	0.12
Outer WHA Boundary	0049165210	City of Rio Vista	Downtown	0.05
Outer WHA Boundary	0177130070	City of Rio Vista	Study Area	2.14
Outer WHA Boundary	0049161010	City of Rio Vista	Downtown	0.19
Outer WHA Boundary	0177110230	City of Rio Vista	Industrial (General)	12.01
Outer WHA Boundary	0049156020	City of Rio Vista	Downtown	0.27
Outer WHA Boundary	0178210140	City of Rio Vista	Industrial (General)	9.23
Outer WHA Boundary	0178121130	City of Rio Vista	Downtown	4.06
Outer WHA Boundary	0177122060	City of Rio Vista	Study Area	0.26
Outer WHA Boundary	0178123010	City of Rio Vista	Downtown	1.30
Outer WHA Boundary	0049156010	City of Rio Vista	Downtown	0.05
Outer WHA Boundary	0176460010	City of Rio Vista	Industrial (Limited)	33.16
Outer WHA Boundary	0178135030	City of Rio Vista	Downtown	0.11
Outer WHA Boundary	0176010140	City of Rio Vista	Industrial (Warehouse)	9.25
Outer WHA Boundary	0176460020	City of Rio Vista	Industrial (Limited)	0.67
Outer WHA Boundary	0176321280	City of Rio Vista	Open Space	0.19
Outer WHA Boundary	0178020080	City of Rio Vista	Industrial (Limited)	4.99
Outer WHA Boundary	0049132020	City of Rio Vista	Highway Commercial	1.68
Outer WHA Boundary	0177100130	City of Rio Vista	Agricultural/Open Space	23.00
Outer WHA Boundary	0049156110	City of Rio Vista	Downtown	0.16
Outer WHA Boundary	0176321270	City of Rio Vista	Open Space	0.16
Outer WHA Boundary	0178210150	City of Rio Vista	Industrial (General)	1.21
Outer WHA Boundary	0176010660	City of Rio Vista	Industrial (Warehouse)	51.27
Outer WHA Boundary	0176336090	City of Rio Vista	Industrial (Warehouse)	0.09
Outer WHA Boundary	0176336120	City of Rio Vista	Industrial (Warehouse)	0.11
Outer WHA Boundary	0048320040	Solano County	General Industrial	0.91
Outer WHA Boundary	0048320100	Solano County	General Industrial	1.32
Outer WHA Boundary	0048100560	Solano County	Agriculture	37.74
Outer WHA Boundary	0048320090	Solano County	General Industrial	20.72
TOTAL	--	--	--	287.35

SOURCES:

City of Rio Vista. 2017. City of Rio Vista Municipal Code, Title 17; accessed at <http://qcode.us/codes/riovista/> on August 17, 2017.

City of Rio Vista. 2002. Rio Vista General Plan 2001. Adopted July 18, 2002.

County of Solano. 2015. County of Solano Zoning Regulations: Zoning Regulations Compiled from Chapter 28 of the Code of Solano County; Available: https://www.solanocounty.com/depts/rm/planning/zoning_regulations.asp on August 17, 2017. Adopted October 6, 2015.

County of Solano. 2008. Solano County General Plan. Adopted August 5, 2008.

Displacement Analysis – Inner WHA Boundary

As shown in **Table 1**, there are 29 vacant parcels within the Inner WHA Boundary, all located within the city of Rio Vista, that are potentially subject to the wildlife hazard policies in Section 5.8 of the updated ALUCP. These parcels are located in areas designated for agricultural, industrial, or open space uses in the Rio Vista General Plan.

Policy WH-1 requires any new land use within the Inner WHA Boundary that has the potential to attract wildlife and cause bird strikes and is subject to discretionary review to prepare a wildlife hazard analysis. Land uses

include expansion of existing uses as well as development of new uses that serve as wildlife hazard attractants. The wildlife hazard analysis must demonstrate that wildlife attractants that may pose hazards to aircraft in flight will be minimized. In addition, Policy WH-3 requires that as part of the CEQA review process for any projects within the Inner WHA Boundary with a potential to create bird strike hazards include mitigation to minimize the potential for impacts. In addition, all projects, with or without mitigation, shall be subject to ALUC review for consistency with the ALUCP. Compliance with the policies in the ALUCP may not eliminate the potential for displacement; however, it would likely minimize it for the majority of projects. Regardless, without examining land uses associated with specific projects, none of which are known or reasonably foreseeable at this time, it would be unduly speculative to identify potential displacement associated with the WHA policies at this time. Any discretionary projects that become known in the future with the potential to cause significant adverse environmental effects would be reviewed and addressed under CEQA. Accordingly, it is reasonably foreseeable that the proposed LUCP would not have a significant effect on the environment.

Displacement Analysis – Outer WHA Boundary

As presented in **Table 2**, 53 vacant parcels in the city of Rio Vista and four vacant parcels in unincorporated Solano County would be subject to the wildlife hazard policies in Section 5.8 of the updated ALUCP. These parcels are primarily located in areas designated for agricultural, industrial, open space, downtown, or highway commercial uses.

Typically, large tracts of open, undeveloped land can attract potential hazards if they include features such as wetlands or landfills that provide opportunities for wildlife to feed, loaf, and nest (See Appendix H). Accordingly, smaller parcels designated for downtown or highway commercial uses and surrounded by similar development are less likely to attract wildlife hazards. This would generally limit the potential for displacement to larger parcels, away from urban areas, designated for agricultural, industrial, or open space uses.

Policy WH-2 requires any new land use outside the Inner WHA boundary but within the five-mile WHA Boundary, that has the potential to attract the movement of wildlife and cause bird strikes, and is subject to discretionary review are required to prepare a wildlife hazard analysis. Land uses include expansion of existing uses as well as development of new uses that attract the movement of wildlife. The wildlife hazard analysis must demonstrate that wildlife attractants that may pose hazards to aircraft in flight will be minimized and mitigations to support that aim are a required part of the process. Furthermore, Policy WH-3 requires that mitigation measures be implemented as part of the CEQA review process for any projects within the five-mile WHA Boundary. Compliance with the policies in the ALUCP may not eliminate the potential for displacement; however, it would likely minimize it for the majority of projects. Regardless, without examining land uses associated with specific projects, none of which are known or reasonably foreseeable at this time, it would be unduly speculative to identify potential displacement associated with the WHA policies at this time. Any discretionary projects that became known in the future with the potential to cause significant adverse environmental effects would be reviewed and addressed under CEQA. Accordingly, it is reasonably foreseeable that the proposed LUCP would not have a significant effect on the environment.

Residential Displacement Analysis

The residential displacement analysis was conducted to determine if there were any residential uses allowed under the current land use plans that would no longer be permitted after implementation of the proposed ALUCP. The development displacement analysis determined that any potential displacement would be limited to a portion of one parcel in the city of Rio Vista. Overall, this parcel is 0.82 acres in size and designated for Neighborhood

Residential use. A 0.16-acre portion of the parcel is located in Safety Zone 4 with the remainder located in Safety Zone 6. The safety compatibility criteria for Safety Zone 6 places no limits on residential density; therefore, there is no potential for residential displacement on the portion of the parcel located in Safety Zone 6. **Table 3** provides more details on this vacant parcel.

TABLE 3
HOUSING OPPORTUNITY SITES FALLING WITHIN SAFETY ZONE 4

WHA Boundary	Safety Zone	APN	Jurisdiction	GPLU Designation	Acreage	Maximum Density (du/ac) ¹
Inner	4	0176010130	City of Rio Vista	Neighborhood Residential	0.16	7.5
TOTAL	--	--	--	--	0.16	--

SOURCES:

City of Rio Vista, 2017. City of Rio Vista Municipal Code, Title 17. Available: <http://qcode.us/codes/riovista/> on August 17, 2017.
City of Rio Vista, 2002. Rio Vista General Plan 2001. Adopted July 18, 2002.

Data regarding residentially zoned parcels were derived from the Rio Vista Zoning Ordinance and General Plan.³ Vacant parcels were mapped and assessed based on their APN, and, using information contained in the ALUCP, parcels lying within Safety Zones 2, 3 and 4 were identified. Excluding the 0.82-acre parcel partially located within Safety Zone 6 and discussed above, no vacant residential parcels were found within Safety Zones 1, 3, or 6. Portions of two parcels designated for agricultural use that permit residential use, were identified in Safety Zone 5 and one vacant residential parcel was found in Safety Zone 4. Residential density is more restrictive under the Solano County General Plan for lands designated for agricultural use than the ALUCP, so there is no potential for displacement on the parcels in Safety Zone 5. Consequently, only the portion of the single parcel located in Safety Zone 4 was retained for further analysis.

The safety zone boundaries for Safety Zones 2, 3, and 4 have been slightly altered from the existing 1988 Rio Vista Airport ALUCP, and the maximum densities allowed within these safety zones have been revised to 0.1 du/ac within Safety Zone 2 and 0.5 du/ac within Safety Zones 3 and 4. As indicated in **Table 3**, the Neighborhood Residential land use designation in the Rio Vista General Plan allows for a maximum density of 7.5 du/ac.

As stated above, analysis indicates that potential displacement of development could occur on a single 0.16-acre portion of an 0.82-acre parcel. The 0.16-acre portion of the parcel is located within Safety Zone 4 with the remainder of the parcel in Safety Zone 6. Under the allowable density provided for this land use designation in the Rio Vista General Plan, a total of 6.15 residential dwelling units would be allowed on this parcel, 1.2 residential dwelling units in the portion located within Safety Zone 4. Under the policies in the updated ALUCP, the maximum residential density for the portion of the parcel located within Safety Zone 4 would allow for 0.08 dwelling units. This would constitute a potential displacement of 1.12 dwelling units. This parcel is an isolate that borders the back of two residential parcels, but is not connected to the local street network. Excluding the residential uses that border the parcel to the northeast, it is otherwise surrounded by a larger parcel designated for industrial (warehouse) uses. In addition, there is a substantial amount of vacant land designated for residential uses and more practically situated to the surrounding community available for development within the city of Rio Vista. The housing needs assessment included in the City of Rio Vista's General Plan Housing Element identifies several vacant housing sites within the City. For example, the housing needs assessment identifies an

³ City of Rio Vista, 2017. City of Rio Vista Municipal Code, Title 17; accessed at <http://qcode.us/codes/riovista/> on August 17, 2017.

approximately 500-acre parcel located south of Highway 12 and west of Esperson Court that is undeveloped but can accommodate 1,500 single-family homes. Considering the availability of substantial amounts of vacant land designated for residential uses, the elimination of 1.12 dwelling units from Safety Zone 4 would not constitute displaced development.

Conclusion

The proposed Rio Vista ALUCP update contains proposed land use policies and criteria for implementation by local agencies and does not propose or entail any new development, construction, or changes to existing land uses or the environment. No physical construction would result from the adoption of the proposed ALUCP or from subsequent implementation of the ALUCP by local agencies. Similarly, no change in airport facilities or aircraft or airport operations would result with implementation of the proposed ALUCP. The proposed ALUCP primarily continues policies and regulations included in the 1988 Rio Vista Airport ALUCP. The proposed ALUCP, like the 1988 ALUCP, contains policies focused on noise, safety, overflight notification, and airspace protection. These four compatibility factors guide the policy strategies envisioned in the proposed ALUCP. There are new or revised policies within these four categories that differ from the policies contained within the 1988 ALUCP. While changes have been made to the policies relating to noise, overflight notification, and airspace protection, they are not of a nature that would be anticipated to result in displacement of residential or non-residential uses. The proposed ALUCP does include changes to safety policies and compatibility criteria that vary from those included in the 1988 ALUCP and subsequently local agency land use plans. In addition, the proposed ALUCP includes policies pertaining to wildlife hazard attractants that also may affect future land use development in the AIA. However, as discussed in this memorandum, while proposed ALUCP policies that require that wildlife attractants that may pose hazards to aircraft in flight will be minimized, land uses that have the potential to attract wildlife movement can still be implemented with incorporation of mitigation measures. Thus, it is unlikely displacement of land uses that have the potential to attract wildlife would occur. Accordingly, it is reasonably foreseeable that the proposed ALUCP update would not have a significant effect on the environment.

Furthermore, in connection with the proposed ALUCP update, it is appropriate to consider the applicability of the commonsense exception at a reasonably high level of generality. Due to the nature of the proposed ALUCP update, as outlined below, a reasonably high level of generality is appropriate in analyzing its potential effects.

- The proposed ALUCP update is “prospective” in nature in the sense that, as described in the State Aeronautics Act, the restrictions and requirements set forth in the proposed project apply to the extent incompatible uses do not already exist.⁴
- The proposed ALUCP update is “prohibitory” in nature, in the sense that it describes maximum densities, maximum intensities, prohibited uses, and similar requirements and constraints that are intended to prevent incompatible uses from arising around the airport.
- The proposed ALUCP update is relatively “general” in nature, in the sense that it provides generally applicable policies over a relatively large area of land in the vicinity of the airport and does not consist of a proposal to undertake or promote some particular construction activity on a particular parcel. An airport land use compatibility plan is also more general than a city or county general plan and zoning in the sense that general plans are required to conform with airport land use compatibility plans, pursuant to the State

⁴ Pub. Resources Code, § 21000 et seq.

Aeronautics Act (and zoning, in turn, is required to conform with general plans pursuant to the Planning and Zoning Law).

- Any indirect effects that may occur as a result of the proposed ALUCP update are necessarily uncertain, given the attenuated chain of events that would have to happen before any displaced development or activities were to occur. Accordingly, it would be extremely difficult and highly speculative to attempt to forecast with any accuracy the actual indirect effects the proposed project might have on the physical environment, whether due to easing of land use restrictions or due to heightening of land use restrictions.

For the reasons described above, proposed Rio Vista Airport ALUCP update would not have any direct effects on the physical environment. Because the proposed ALUCP update would have no adverse physical effects on the environment, it would qualify for use of the common sense exemption under Section 15061(b)(3) of the State CEQA Guidelines.

APPENDIX A

Draft Rio Vista Airport Development Displacement Analysis Technical Report