

**SOLANO COUNTY AIRPORT LAND USE COMMISSION
RESOLUTION NO. 17-06**

**RESOLUTION REGARDING THE
RIO VISTA AIRPORT LAND USE COMPATIBILITY PLAN UPDATE**

WHEREAS, pursuant to California Public Utilities Code section 21675 the Solano County Airport Land Use Commission (“**Commission**”) has the responsibility to prepare and adopt airport land use plans for any public and military airports within Solano County and to amend any such adopted plan as necessary; and

WHEREAS, pursuant to such authority, the Commission has adopted airport land use compatibility plans for Travis Air Force Base, Rio Vista Municipal Airport, and the Nut Tree Airport, and the Solano County Airport Land Use Compatibility Review Procedures (the “**Compatibility Plans**”); and

WHEREAS, in enacting the sections within the State Aeronautics Act (the “**Act**”) that provide for airport land use commissions, the California Legislature has declared that the purposes of the legislation include: (1) to provide for the orderly development of each public use airport in this state; (2) to provide for the orderly development of the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards; (3) to provide for the orderly development of the area surrounding these airports so as to prevent the creation of new noise and safety problems; (4) to protect the public health, safety, and welfare by ensuring the orderly expansion of airports; and (5) to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Pub. Util. Code, § 21670, subd. (a)); and

WHEREAS, the Act provides that an airport land use commission's powers and duties include: (a) to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses; (b) to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; (c) to prepare and adopt an airport land use compatibility plan pursuant to Public Utilities Code section 21675; and (d) to review the plans, regulations, and other actions of local agencies and airport operators pursuant to Public Utilities Code section 21676 (Pub. Util. Code, § 21674); and

WHEREAS, the Act provides that the purpose of compatibility plans is to provide for the orderly growth of the airports and the area surrounding the airports, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general (Pub. Util. Code, § 21675, subd. (a)); and

WHEREAS, Public Utilities Code section 21675, subdivision (a), authorizes the Commission, in formulating a compatibility plan, to develop height restrictions on buildings, specify the use of land, and determine building standards, including sound-proofing adjacent to airports; and

WHEREAS, Public Utilities Code section 21675, subdivision (b), directs the Commission to prepare a compatibility plan for areas surrounding military airports, and the Legislature's intent

in enacting subdivision (b) was to protect the continued viability of military installations in California, to protect the operations of military airports from encroachment by development, and to encourage land use policies that reflect the contributions military bases make to their communities, as well as their vital importance in the state's economy and in the defense of our nation; and

WHEREAS, Public Utilities Code section 21675, subdivision (a), provides that an airport land use commission's compatibility plans shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year; and

WHEREAS, pursuant to such authorities, the Compatibility Plans set forth criteria to be applied by the Commission when evaluating local land use plans and specific development proposals; and

WHEREAS, Public Utilities Code section 21676, subdivision (b), requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Commission, local agencies within Solano County are required to first refer the proposed action to the Commission for a consistency determination; and

WHEREAS, the Commission has duly considered the Staff Report and its recommendations, exhibits and attachments concerning Item No. 1 of the Commission's March 8, 2018 Regular Meeting (collectively, the "Staff Report") to consider adopting an Update to the Rio Vista Airport Land Use Compatibility Plan ("**Update**"), and adopt a resolution adopting the Update; and

WHEREAS, the Commission has duly considered the proposed Update described in the Staff Report at a noticed public meeting.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does adopt and incorporate by this reference as its findings and determinations the analysis, conclusions, and recommended findings of the Staff Report, including its recommendations, exhibits, and attachments.

RESOLVED, that after due consideration and based upon the administrative record, the Commission does find and determine:

(1) That for the reasons described in Exhibit B to the Staff Report and based upon the administrative record, a sound governmental purpose and need exists for the Commission's adoption of the proposed Update; and

(2) That for the reasons described in Exhibit C to the Staff Report and based upon the administrative record, the Commission's adoption of the proposed Update is exempt from the California Environmental Quality Act under the "commonsense" exemption described in the CEQA Guidelines (*Guidelines for Implementation of California Environmental Quality Act*, Cal. Code Regs., tit. 14, ("CEQA Guidelines"), § 15061, subd. (b)(3)), which exemption 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 ..."; and

(3) That adopting the proposed Update will help to attain the sound governmental purposes and need for the Commission's adoption of the proposed Update under the Act; and

- (4) That the proposed Update will prevent harm to and promote the orderly expansion of the Rio Vista Municipal Airport; and
- (5) That the proposed Update will preserve and enhance the desirable features of the Rio Vista Municipal Airport; and
- (6) That the proposed Update will prevent future encroachment on the Rio Vista Municipal Airport; and
- (7) That the proposed Update will contribute to protecting the continued viability of the Rio Vista Municipal Airport; and
- (8) That the proposed Update will benefit all citizens of Solano County and of California through preservation of the Rio Vista Municipal Airport's contribution to the welfare and economy of the local region and state.

RESOLVED, that the Commission does hereby amend the Airport Influence Area as set forth in Figure 2 of the proposed Update.

RESOLVED, that the Commission does hereby amend, and the Rio Vista Airport Land Use Compatibility Plan is hereby amended, as set forth in the proposed Update.

RESOLVED, that the provisions of the Update will not be applicable if and to the extent it would violate the U.S. or California constitutions or other laws.

RESOLVED, that if any provision of this Resolution or the Update is for any reason held by a court of competent jurisdiction to be invalid, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof nor other applications of this Resolution or the Update which can be given effect without the invalid provision or application.

RESOLVED, that after adoption of this Resolution, Staff is authorized to correct any clerical errors in this Resolution, the Update, or the Staff Report.

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RESOLVED, that the Commission authorizes Staff to file a notice of exemption pursuant to the California Environmental Quality Act, and to prepare a final version of the Update that incorporates the recommended changes, as well as to prepare final exhibits, figures, maps, diagrams, descriptions, and similar matters necessary to fully reflect the action of the Commission in adopting the Update. Staff is authorized and directed to make all necessary and appropriate clerical, typographical, and formatting corrections to the adopted Update. Any such corrections shall not alter the substance, effect, or effective date of any action taken by the Commission in adopting the Update. Staff shall provide a report and a copy of the final corrected Update to the Commission.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on March 8, 2018, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

By _____
Bruce DuC'lair, Chairman
Solano County Airport Land Use Commission

Attest:

By: _____
Bill Emlen, Clerk to the Commission