

# REPORT TO THE Airport Commission *City of Salinas, California*

**DATE:** February 16, 2017

**FROM:** Brett J. Godown, Airport Manager

**SUBJECT:** Airport Ordinance Update

**RECOMMENDED ACTION:**

It is recommended the Airport Commission accept the Staff's recommendation to approve the update of City of Salinas Ordinance Chapter 4 – Airport as presented by the City of Salinas City Attorney.

**BACKGROUND:**

Over the last year, the City Attorney has been working diligently on cleaning up many of the City's Ordinances and Policies. Within some of the ordinances, some language and provisions have become outdated and not relevant due to changes in local, state, or federal laws. The City Attorney has reviewed Chapter 4 – Airport of the Salinas Municipal Code and is recommending amendments to the language and changing how the Airport Rules and Regulations are modified in the future.

In summary, the current Airport Ordinance consists of four sections known as articles:

Article I, General – this section primarily establishes the various Powers and Duties to those individuals or bodies responsible for governing or managing the airport or aeronautical activity.

Article II, Airport Height Limitations – This section discusses airport land use compatibility within the vicinity of the airport by limiting the height of objects of buildings to prevent obstruction in navigable airspace.

Article III, Aeronautic Activity Regulations – This section is included to regulate aeronautical activity off airport

Article IV, Airport Rules and Regulations – The Airport Rules and Regulations contain the majority of provisions for administering and operating the airport. This includes general and specific provisions, airport operations, commercial activities, motor vehicle regulations, flying clubs, and other airport relative sections.

## **ANALYSIS:**

*“The proposed Ordinance updates the City’s regulation of its Airport and Airport Operations by eliminating unnecessary and outdated provisions. The proposed Ordinance also vests authority in the Airport Manager to manage the day-to-day operations of the Airport and vests authority in the Airport Commission to establish rules and regulations regarding Airport operations.”*

Attached to this commission report you will find a comprehensive summary comparing the existing sections/articles to the proposed recodification with notes detailing the various changes.

In summary, below are the following changes to the proposed Ordinance:

Article I, General – This section will be recodified as Sec. 4-01.01 Powers of Airport to be Exercised by City Council; Delegation of Authority to Airport Manager and Airport Commission.

Sec. 4-01.02 Rules and Regulations Pertaining to Airport Use, etc. The Current rules and regulations are established by Ordinance adopted by City Council. With Recodification, the rules and regulations will be prepared by the Airport Manager and approved by the Airport Commission. The rules will be enforceable by Section 4-01.06 Penalties, of the new Airport Ordinance. This change will provide the opportunity to update the Rules and regulations more often due to the the simplified process.

Article II, Airport Height Limitations - The specific zoning requirements of the Airport Height Limitations will no longer be located in Chapter 4. Airport Height Limitation regulations are more related to airport land-use regulations and zoning for public and private property situated under the Airport Overlay Zone and are being recommended to be incorporated into the Salinas Zoning Code. The current provisions (with substantive provisions unchanged) will be incorporated into the Zoning Code under the Airport Overlay District Regulations (Division 7 of Article IV of Chapter 37). This action will require Planning Commission and City Council consideration. The Airport Manager and Airport Commission will still have the authority to recommend changes to the provision. This change will result in better plan reviews for projects located in the Airport Overlay District.

Article III, Aeronautic Activity Regulations – Paragraph (a) and (b) of this section are being recommended for removal as the State of California and FAA establish regulations for Aeronautical Activity off Airport. Section 3530 – Permit Requirements of Title 21 of the California Code of Regulations for Airports and Heliports specifically states in paragraph (b) No aircraft takeoff or landing may be made at a site that is not permitted, exempted, or authorized in accordance with these regulations. Further, Section 3533 Exemptions discusses the permitted Exemptions in paragraph (b) of Section 3530 – Permit Requirements. The exemptions include Agricultural airports, Seaplane landing sites, Personal-use airports in unincorporated areas which meet the requirements of Article 5 of these regulations, and Emergency medical services (EMS) landing sites.

Article IV, Airport Rules and Regulations – As discussed above, the current rules and regulations are established by Ordinance adopted by City Council. With Recodification, 1.) The Airport

Rules and Regulations will be only referenced in the ordinance; 2.) The rules and regulations will become a standalone document prepared by the Airport Manager and approved by the Airport Commission; 3.) The rules and regulations will be enforceable by the ordinance; 4.) The Rules and Regulations will not require City Council approval each time a modification is made to the Airport Rules and Regulations.

With the Commission's recommendation, Airport Staff will work with the City Attorney to move the updated Ordinance to City Council as recommended. A proposed change to an Ordinance requires a first and second reading at a City Council meeting. Following the second reading and adoption by the City Council, the revised Chapter 4 Airport Ordinance will become effective 30 days following the approval by the City Council.

Following City Council's adoption of the new Chapter 4 – Airport Ordinance, Airport Staff will have 30 days to bring forward Airport Rules and Regulations to the Airport Commission for approval.

#### **ALTERNATIVES AVAILABLE TO COMMISSION:**

The Commission may:

1. Choose to accept Staff's recommendation.
2. Choose not to accept Staff's recommendation and provide Staff with direction.

#### **CONCLUSIONS AND RECOMMENDATIONS:**

The proposed Ordinance updates the City's regulation of its Airport and Airport Operations by eliminating unnecessary and outdated provisions. The proposed Ordinance also vests authority in the Airport Manager to manage the day-to-day operations of the Airport and vests authority in the Airport Commission to establish rules and regulations regarding Airport operations. It is recommended the Airport Commission accept the Staff's recommendation to approve the update of City of Salinas Ordinance Chapter 4 – Airport as presented by the City of Salinas City Attorney.

#### **Attachments:**

Existing Chapter 4 – Airport Ordinance

Amended Chapter 4 – Airport Ordinance

Summary of Existing Sections/Articles to the Proposed Recodification