

RESOLUTION NUMBER 4139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO NOTIFY THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION OF THE CITY'S INTENT TO OVERRULE THEIR DETERMINATION OF INCONSISTENCY REGARDING THE PERRIS GENERAL PLAN.

WHEREAS, the Perris General Plan 2030 was adopted on October 25, 2005; and

WHEREAS, on May 29, 2008, staff submitted an application to the Riverside County Airport Land Use Commission (ALUC) seeking the Commission's formal determination regarding the Perris General Plan's consistency with applicable Airport Land Use Compatibility Plans; and

WHEREAS, on July 10, 2008, the ALUC conducted a public hearing, at which time the Commission determined the Perris General Plan to be inconsistent with applicable Airport Land Use Compatibility Plans; and

WHEREAS, to promote the land uses and policies contained within the General Plan, staff seeks authorization from City Council to notify the ALUC of the City's intent to overrule their determination; and

WHEREAS, to overrule the ALUC, the Council must find that the City's General Plan:

- Promotes the overall goals and objectives of the California airport noise standards.
- Prevents the creation of new noise and safety problems.
- Protects the public health, safety and welfare by ensuring the orderly expansion of airports.
- Protects 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.

and

WHEREAS, in accordance with the Public Resources Code, to overrule ALUC's determination, the City must provide the ALUC and the State Division of Aeronautics with a copy of the Council's intent and draft findings at least 45 days prior to a final decision; and

WHEREAS, with Council's approval, staff will return to Council in the near future with draft findings supporting the General Plan's land use policies with the intent to overrule the ALUC's inconsistency determination.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, as follows:

Section 1. The above recitals are all true and correct.

Section 2. The City Council has reviewed and considered the proposal and draft findings, and hereby directs staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding the General Plan.

Section 3. The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words of this Resolution shall remain in full force and effect.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 26th day of August, 2008.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I Judy L. Haughney, duly elected City Clerk of the City of Perris do hereby certify that the foregoing Resolution Number 4139 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 26th day of August, 2008, by the following vote:

AYES: Rogers, Yarbrough, Landers, Busch

NOES:

ABSENT: Motte

ABSTAIN:

Judy L. Haughney, City Clerk