

# Amedee Army Airfield

## Land Use Compatibility Plan



Prepared for  
Lassen County Airport Land Use Commission

Adopted August 11, 2016

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Adopted August 11, 2016

Prepared for

**Lassen County**  
**Airport Land Use Commission**  
707 Nevada Street, Suite 5  
Susanville, California 96130

Prepared by



Mead & Hunt, Inc.  
Santa Rosa, California  
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# Amedee Army Airfield

## LAND USE COMPATIBILITY PLAN

### **Lassen County**

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Don MacVitie (Airport Representative)

Lino Callegari (City Council Member)

Rod DeBoer (City Council Member)

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**Adopted August 11, 2016**

ALUC RESOLUTION NO 8-01-16

RESOLUTION OF THE LASSEN COUNTY AIRPORT LAND USE COMMISSION  
ADOPTING THE AMEDEE ARMY AIRFIELD LAND USE COMPATIBILITY PLAN AND  
ALSO ADOPTING THE PROPOSED NEGATIVE DECLARATION AS THE  
ENVIRONMENTAL DOCUMENT

WHEREAS, the Lassen County Airport Land Use Commission was formed pursuant to Article 3.5 of the California Public Utilities Code and first convened on July 24, 1986; and

WHEREAS, it is the stated purpose of said Article 3.5 to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public and military airports; and

WHEREAS, the California Department of Transportation, Division of Aeronautics, asserts in a letter dated August 7, 2014, that an Airport Land Use Compatibility Plan is required for the unincorporated lands surrounding the Amedee Airfield; and

WHEREAS, in an opinion dated June 26, 2014, Lassen County Special Counsel, James Curtis agrees with the California Department of Transportation, Division of Aeronautics that an Airport Land Use Compatibility Plan is required for the unincorporated lands surrounding the Amedee Airfield; and

WHEREAS, the Airport Land Use Commission is required by Section 21675(b) of the Public Utilities Code to prepare an Airport Land Use Compatibility Plan for the lands surrounding any military airport; 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 and military 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 and military airports to the extent that these areas are not already devoted to incompatible uses; 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

RESOLUTION NO: 8-01-16

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; 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 (Public Utilities Code, § 21675; and

WHEREAS, pursuant to such authority, 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 Lassen County are required to first refer the proposed action to the Commission for a consistency determination; and

WHEREAS, the Draft Airport Land Use Compatibility Plan was circulated for comment from March 8, 2016, through April 8, 2016; a Public Outreach meeting with the Airport Land Use Commission was conducted on June 30, 2016; and the Proposed Negative Declaration, Initial Study and the Draft Airport Land Use Compatibility Plan were circulated for comment June 7, 2016, through July 7, 2016; and

WHEREAS, known stakeholders, including landowners and the affected jurisdiction were provided notice and consulted about the major policies of the draft Plan; and

WHEREAS, based upon written and oral comments received during the public review period, responses to comments were prepared and appropriate revisions were made to the Draft Plan; and

WHEREAS, the Commission has considered the project at a public hearing conducted on August 11, 2016; and

WHEREAS, the Lassen County Environmental Review Officer has provided and proposed the adoption of a Negative declaration as the environmental document for the project.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.

2. The staff response to comment letters contained in the August 11, 2016, staff report is hereby adopted as the Commission's response to said comments.
3. The Amedee Army Airfield Land Use Compatibility Plan is for a military owned and operated airfield. Because of the special considerations (e.g. communication with the Base) a military airport requires, the provisions allowing delegation of authority to the Executive Secretary have been removed from the Amedee Army Airfield Land Use Compatibility Plan. Removal of said sections applies only to the Amedee Army Airfield. The delegation authorized by ALUC Resolution 87-03 and within the other compatibility plans remains operative. The Executive Secretary will continue to have authority to determine projects' consistency with the other compatibility plans, as articulated in said Resolution and Plans, and bring the referral to the Airport Land Use Commission as needed.
4. The Lassen County Airport Land Use Commission has considered the Initial Study prepared for the Proposed Negative Declaration and found it adequate.
5. The Lassen County Airport Land Use Commission concurs with the Executive Secretary/Lassen County Environmental Review Officer that adoption of the Negative Declaration presented to Commission for consideration is the appropriate environmental document for this project.
6. The final draft of the Airport Land Use Compatibility Plan for the Amedee Army Airfield, as reviewed and revised on August 11, 2016, adequately complies with and fulfills the intent and provisions of Article 3.5 of the California Public Utilities Code.
7. The Airport Land Use Compatibility Plan for the Amedee Airfield is hereby approved and adopted pursuant to State law and in the interest of protecting public health, safety and general welfare in the areas around said airport to the extent that these areas are not already devoted to incompatible uses.
8. Staff is hereby directed to prepare the final Amedee Army Airfield Land Use Compatibility Plan for publication. Said preparation includes but is not limited to noting the August 11, 2016, approval date on the cover and in the footers and including a copy of this resolution in the final document. The Executive Secretary will maintain said final Plan in print and in electronic format for distribution.



RESOLUTION NO: 8-11-16

PASSED AND ADOPTED on August 11, 2016, at a special meeting of the Airport Land Use Commission, County of Lassen, State of California, by the following vote:

AYES: Commissioners Heyland, MacVitie, DeBoer, Pyle, Hammond and Shockley

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: Franco

  
Chairman  
Lassen County Airport Land Use Commission

ATTEST:



Maurice L. Anderson,  
Executive Secretary

By: Gaylon F. Norwood

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CHAPTER **1**

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# Introduction

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# Introduction

## OVERVIEW

As adopted by the *Lassen County Airport Land Use Commission (ALUC)*, the basic function of this *Amedee Army Airfield Land Use Compatibility Plan (ALUCP)* is to promote compatibility between the airport and future land use development in vicinity of the airport. The *ALUCP* accomplishes this function through establishment of a set of compatibility criteria applicable to new development around the airport. Additionally, the *ALUCP* serves as a tool for use by the *ALUC* in fulfilling its duty to review plans, regulations and other actions of *Local Agencies* for consistency with the *ALUCP* criteria.

Geographically, Amedee Army Airfield is located in the southeastern limits of Lassen County in the northwest corner of the Sierra Army Depot. The nearest incorporated city, the City of Susanville, is located 30 miles to the northwest. The airport and the land south and east of the airport is owned and operated by the United States Army. The *Airport Influence Area*, as defined herein, extends approximately 2.8 miles from the airport's single 10,000-foot long runway.

The only local government jurisdiction encompassed by the *Airport Influence Area* is the County of Lassen. The County—together with, any special district, school district, or community college district that exists or may be established or expanded into the *Airport Influence Area*—are subject to the provisions of this plan.<sup>1</sup> Details regarding the purpose, scope, and applicability of the *ALUCP* are set forth in the policy chapter that follows.

## AIRPORT LAND USE COMMISSION REQUIREMENTS

The creation of *ALUCs* and the preparation of *ALUCPs* are requirements of the California State Aeronautics Act.<sup>2</sup> Provisions for creation of *ALUCs* were first established under state law in 1967 (see Appendix A for a copy of the current statutes). With limited exceptions, an *ALUC* is required in every county in the state. Furthermore, an *ALUCP* is required for each public-use and military airport in the state even in instances where an *ALUC* is not established.

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<sup>1</sup> *Public Utilities Code Section 21670(f)*.

<sup>2</sup> *The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670-21679.5 of the California Public Utilities Code (PUC)*.

## ALUC Powers and Duties

Although the law has been amended numerous times since its original adoption, the fundamental purpose of *ALUCs* to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and 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.”<sup>3</sup>

The statutes give *ALUCs* three principal powers by which to accomplish this objective:

1. *ALUCs* must prepare and adopt an *ALUCP*; and
2. *ALUCs* must review the general plans, specific plans, zoning ordinances, building regulations and certain individual development actions of local agencies for consistency with the policies and criteria in the *ALUCP*.
3. *ALUCs* must review airport operators’ proposed master plans and other airport development plans—such as, proposed nonaviation development of airport property that does not directly serve the flying public—to determine if those plans are consistent with the *ALUCP* or if modifications should be made to the *ALUCP* to reflect current airport planning.

## ALUC Limitations

Two specific limitations on the powers of *ALUCs* are set in the statutes. First, as indicated above, is that *ALUCs* have no authority over areas “already devoted to incompatible uses.”<sup>4</sup> The common interpretation of this clause is that *ALUCs* have no jurisdiction over existing land uses even if those uses are incompatible with airport activities. An *ALUC* cannot, for example, require that an existing incompatible use be converted to something compatible.

The second explicit limitation is that *ALUCs* have no “jurisdiction over the operation of any airport.”<sup>5</sup> This limitation includes anything concerning the configuration of runways and other airport facilities, the types of aircraft operating at the airport, or where they fly.

Additionally, the authority of the *ALUC* does not extend to state, federal, or tribal lands or to other counties.

## AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS

### ALUCP Guidelines

With respect to airport land use compatibility criteria, the statutes say little. Instead, a section of the law enacted in 1994 refers to another document, the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics.

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<sup>3</sup> *Public Utilities Code Section 21670(a)(2)*.

<sup>4</sup> *Public Utilities Code Section 21674(a)*.

<sup>5</sup> *Public Utilities Code Section 21674(e)*.

Specifically, the statutes say that, when preparing *ALUCPs* for individual airports, *ALUCs* “shall be guided by information”<sup>6</sup> in the *Handbook*. The statutes provide similar language indicating that local agencies “shall be guided” by the *Handbook* criteria before granting building permits.<sup>7</sup> The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports.

The policies and maps in this *ALUCP* rely upon the guidance provided by the current edition of the *Handbook* (October 2011). The October 2011 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site ([www.dot.ca.gov/hq/planning/aeronaut](http://www.dot.ca.gov/hq/planning/aeronaut)).

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and the California Environmental Quality Act (CEQA). The Public Resources Code requires lead agencies to use the *Handbook* as “a technical resource” when preparing CEQA documents assessing airport-related noise and safety impacts of projects located in the vicinity of airports.<sup>8</sup>

## ALUCP Relationship to Airport Plans

The *ALUC* statutes require that *ALUCPs* be based upon a long-range airport master plan adopted by the airport owner/proprietor or, if such a plan does not exist or is outdated for a particular airport, an airport layout plan may be used with the acceptance of the Division of Aeronautics.<sup>9</sup> An added requirement for military installations is that the *ALUCP* must “be consistent with the safety and noise standards...” in the *Air Installations Compatible Use Zones (AICUZ)* study for that airport.

Airport master plans are typically prepared for public-use airports and primarily address on-airport issues. The purpose of airport master plans is to assess the demand for airport facilities (typically covering a 20-year period) and to guide the development necessary to meet those demands. An airport layout plan is a drawing showing existing facilities and planned improvements. The purpose of AICUZ studies is to “engage local communities on issues related to noise, safety and compatible land use in and around air installations.”

Chapter 4 presents the airport layout diagram upon which the *ALUCP* for Amedee Army Airfield is based. An *AICUZ* study does not exist for Amedee Army Airfield given the low level of aircraft activity at the airport and lack of development in the airport’s vicinity.

## ALUCP Relationship to Airport Activity Forecasts

The *ALUC* statutes say that an *ALUCP* must reflect “the anticipated growth of the airport during at least the next 20 years.”<sup>10</sup> Frequently, unless the airport plan is very recent, its forecasts cannot be di-

<sup>6</sup> *Public Utilities Code Section 21674.7(a)*.

<sup>7</sup> *Public Utilities Code, Section 21674.7(b)* states that “It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division...”

<sup>8</sup> *Public Resources Code Section 21096*.

<sup>9</sup> *Public Utilities Code Section 21675(a)*.

<sup>10</sup> *Public Utilities Code Section 21675(a)*.

rectly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

“For compatibility planning, however, 20 years may be shortsighted. For most airports, a lifespan of more than 20 years can reasonably be presumed. Moreover, the need to avoid incompatible land use development will exist for as long as an airport exists. Once development occurs near an airport, it is virtually impossible—or, at the very least, costly and time consuming—to modify the land uses to ones that are more compatible with airport activities.”<sup>11</sup>

The future activity levels for military airports are normally based on the “maximum mission” defined for the facility by the Department of Defense. As indicated in Chapter 4 of this *ALUCP*, the activity forecast for the Amedee Army Airfield doubles the airport’s current maximum mission and includes a small amount of future commercial air cargo operations.

## ALUCP IMPLEMENTATION REQUIREMENTS

### Relationship of the ALUC to Local Government Agencies

The fundamental relationship between *ALUCs* and the local government agencies affected by the *ALUC*-adopted *ALUCP* is set by the Public Utilities Code. For the most part, *ALUCs* act independently from the local government jurisdictions. The *ALUC* is not simply an advisory body for the Board of Supervisors or City Councils in the manner that their respective planning commissions are. Rather, an *ALUC* is more equivalent to a County’s Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of an *ALUC* are final and are independent of the Board of Supervisors or City Councils. An *ALUC* does not need county or city approval in order to adopt an *ALUCP* or to carry out *ALUC* land use project review responsibilities. An *ALUC* must, however, consult with the involved agencies when establishing *Airport Influence Area* boundaries.<sup>12</sup>

The responsibility for implementation of the *ALUC*-adopted *ALUCP*, however, rests with the affected local agencies. The Government Code establishes that each county and city affected by an *ALUCP* must make its general plan and any applicable specific plans consistent with the *ALUC*’s compatibility plan.<sup>13</sup> Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code and described later in this chapter to overrule the *ALUC* policies.<sup>14</sup>

The other responsibility of local agencies is to refer their plans and certain other proposed land use actions to the *ALUC* for review so that the *ALUC* can determine whether those actions are consistent with its *ALUCP*. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be referred to the *ALUC*. However, other actions, such as those associated with individual development proposals, are subject to *ALUC* review only until such time as the agency’s general plan and specific plans have been made consistent with the *ALUC*’s plan or the agency has overruled the *ALUC*.<sup>15</sup>

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<sup>11</sup> *Handbook*, p. 3-5.

<sup>12</sup> *Public Utilities Code Section 21675(c)*.

<sup>13</sup> *Government Code Section 65302.3*.

<sup>14</sup> *Public Utilities Code Section 21676*.

<sup>15</sup> *Public Utilities Code Section 21676.5(a)*.

The only local jurisdiction affected by this *ALUCP* for Amedee Army Airfield is the County of Lassen. School districts, community college districts and special districts are also subject to this *ALUCP*. Several special districts (e.g., Herlong Public Utility District) exist within the *Airport Influence Area* for Amedee Army Airfield.

## General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an *ALUC*'s planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the *ALUC* adopts or amends its plan.<sup>16</sup> The only other course of action available to local agencies is to overrule the *ALUC* using the process outlined in the next section.

A general plan does not need to be identical with the *ALUCP* in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Appendix B provides options for achieving general plan consistency and a checklist to assist local agencies in amending their respective land use policy documents.

## Land Use Project Referrals

In addition to the types of land use actions for which referral to the *ALUC* is mandatory in accordance with state law—adoption or amendment of general plans, specific plans, zoning ordinances, or building codes affecting land within an *Airport Influence Area*—the *ALUCP* specifies other land use projects that either must or should be submitted for review. These “*Major Land Use Actions*” are defined in Chapter 2.

Beginning when the *ALUCP* is adopted by the *ALUC* and continuing until such time as local jurisdictions have made the necessary modifications to their general plans, all of these *Major Land Use Actions* are to be referred to the commission for review. After local agencies have made their general plans consistent with the *ALUCP*, the *ALUC* requests that these major actions continue to be submitted on a voluntary basis. These procedures must be indicated in the local jurisdiction's general plan or other implementing policy document in order for the general plan to be considered fully consistent with the *ALUCP*.

## Overruling ALUC Decisions

If an *ALUC* has determined that a local agency's general plan is inconsistent with the *ALUCP* and the local agency wishes to adopt the general plan anyway, then it must overrule the *ALUC*. The statutes are explicit in defining the steps involved in the overrule process. This same process also applies if the local agency intends to overrule the *ALUC* with regard to a finding of inconsistency on proposed adoption or approval of a specific plan, zoning ordinance or building regulation; or an individual development proposal for which *ALUC* review is mandatory; or airport master plan.<sup>17</sup> The steps that a local agency

<sup>16</sup> *Government Code Section 65302.3(b)*.

<sup>17</sup> *Public Utilities Code Sections 21676(a), (b), and (c)*.



must take to overrule the *ALUC* are set by state law and court decisions and summarized below. Further discussion is contained in the *Handbook*.

**Specific Findings by Local Agency**—When overruling the *ALUC*, the *Local Agency* must make specific findings that the proposed *Action* is consistent with the purposes of the *ALUC* statutes.<sup>18</sup> Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the *Local Agency* must make specific findings that the proposed project will not:

- Impair the orderly, planned expansion of the airport;
- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
- Expose the public to excessive noise and safety hazards.

**Notification and Voting Requirements**—In accordance with the *ALUC* statutes, the *Local Agency* must do all of the following:

- Provide to the *ALUC* and the Caltrans Division of Aeronautics a copy of the proposed decision and findings to *Overrule* the *ALUC* at least 45 days prior to the hearing date.
- Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
- Include in the public record of any final decision to *Overrule* the *ALUC* any comments received from the *ALUC*, Caltrans Division of Aeronautics, Federal Aviation Administration (FAA), or public.
- Make a decision to *Overrule* the *ALUC* by a two-thirds vote of its governing body.

**Liability**—The *ALUC* statutes indicate that if a *Local Agency* other than the *Airport* owner *Overrules* the *ALUC*, the agency owning and operating the airport “shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the *Local Agency's* decision to *Overrule* the *ALUC's* compatibility determination or recommendation”<sup>19</sup>

## COMPATIBILITY PLANNING IN LASSEN COUNTY

### Lassen County ALUC

On April 8, 1986, the Lassen County Board of Supervisors directed that a single-purpose Airport Land Use Commission be formed in accordance with the Public Utilities Code Section 21670(b). It also directed that the County Planning Department would serve as staff to the *ALUC*.<sup>20</sup>

The *ALUC* is responsible for preparing and adopting an *ALUCP* for Susanville Municipal Airport, four county-owned airports (Herlong, Spaulding, Southard-Bieber, and Ravendale), and Amedee Army Airfield.

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<sup>18</sup> See *Public Utilities Code Sections 21676 and 21676.5*.

<sup>19</sup> See *Public Utilities Code Sections 21678 and 21675.1(f)*.

<sup>20</sup> Lassen County General Plan, Circulation Element (2000).

This *ALUCP* for Amedee Army Airfield is the first plan prepared for the airport. The aeronautical factors upon which this *ALUCP* is based are summarized below and described in Chapter 4.

## ALUCP Contents

This *ALUCP* is organized into four chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for Lassen County in particular. The most important components of the *ALUCP* are found in Chapters 2 and 3. Chapter 2 present the procedural policies to be followed by the *ALUC*. Chapter 3 contains the airport-specific compatibility policies, maps, and criteria for Amedee Army Airfield. Chapter 4 presents airport and land use background data forming the basis of this *ALUCP*.

Also included in this document are a set of appendices containing a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is mostly taken from other sources and does not represent *ALUC* policy except where cited as such in Chapters 2 and 3.

## ALUCP Adoption Process

An Initial Study was prepared for this *ALUCP* in accordance with the California Environmental Quality Act (CEQA). The purpose of the Initial Study was to identify the potential environmental impacts associated with the implementation of the *ALUCP* following adoption. The issues addressed by the Initial Study include those identified in the 2007 California Supreme Court decision in *Muzzy Ranch Company v. Solano County Airport Land Use Commission*, such as an assessment of the potential displacement of future residential and nonresidential land use development.

The Initial Study and Negative Declaration associated with the *ALUCP* were circulated for a 30-day public review period that extended from June 7, 2016, to July 7, 2016. Additionally, a public workshop on the draft *ALUCP* was held on June 30, 2016.

On August 11, 2016, the Lassen County *ALUC* adopted the *ALUCP* and associated Negative Declaration. A copy the *Amedee Army Airfield Land Use Compatibility Plan* is available on the Lassen County website (<http://www.lassencounty.org>).

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CHAPTER **2**

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# Procedural Policies

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## Procedural Policies

### 1. GENERAL APPLICABILITY

#### 1.1. Definitions

The following definitions apply for the purposes of the policies set forth in this *ALUCP*. In addition, general terms pertaining to airport and land use planning are defined in the *Glossary* (Appendix F).

- 1.1.1. *Actions/Projects/Proposals*: Terms similar in meaning and all referring to the types of airport and land use planning and development activities (permanent or temporary), either publicly or privately sponsored, that are subject to the provisions of this *ALUCP*. Other terms with similar meaning include *Land Use Actions* and *Major Land Use Actions*.
- 1.1.2. *Aeronautics Act*: Except as indicated otherwise, the article of the California Public Utilities Code (Section 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility plans (also known as the *California State Aeronautics Act*).
- 1.1.3. *Airport*: The Amedee Army Airfield, which is owned and operated by the United States Army and operated by Sierra Army Depot.
- 1.1.4. *Airport Influence Area/Referral Area*: An area, as delineated herein, in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The *Airport Influence Area* constitutes the *Referral Area* within which certain *Land Use Actions* are subject to *ALUC* review to determine consistency with the policies herein.
- 1.1.5. *Airport Land Use Commission (ALUC)*: The Lassen County Airport Land Use Commission (ALUC) or a legally established successor agency acting in its capacity as the *Airport Land Use Commission* for Lassen County.
- 1.1.6. *Airport Land Use Commission Secretary*: The Lassen County Planning Director or a person designated by the Director with the concurrence of the *ALUC* Chairperson.
- 1.1.7. *Airport Proximity Disclosure*: A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to the *Airport* and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the *Airport*. See Policy 3.6.1 for applicability.

- 1.1.8. *Airspace Protection Surfaces*: Imaginary surfaces in the airspace surrounding the *Airport* defined in accordance with criteria set forth in Federal Aviation Regulations (FAR) Part 77.<sup>1</sup> These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of the *Airport*.
- 1.1.9. *ALUCP/Compatibility Plan*: This document, the *Amedee Army Airfield Land Use Compatibility Plan*.
- 1.1.10. *Avigation Easement*: An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees, etc. (see Policy 3.7.1).
- 1.1.11. *Compatibility Zone*: Any of the zones depicted in **Map 3A**, *Compatibility Policy Map* for the *Airport* in Chapter 3 for the purposes of assessing land use compatibility within the *Airport Influence Area* defined herein (See Policy 1.1.4).
- 1.1.12. *Density*: The number of dwelling units per acre. *Density* is used in this *ALUCP* as the measure by which proposed residential development is evaluated for compliance with noise and safety compatibility criteria. *Density* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.15 for definition of nonresidential *Intensity*.
- 1.1.13. *Existing Land Use*: A land use that either physically exists or for which *Local Agency* commitments to the development proposal have been obtained entitling the project to move forward (see Policy 1.5.3).
- 1.1.14. *Handbook*: The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics in October 2011. The *Handbook* provides guidance to *ALUCs* for the preparation, adoption, and amendment of *ALUCPs*.
- 1.1.15. *Intensity*: The number of people per acre. *Intensity* is used in this *ALUCP* as the measure by which most proposed *Nonresidential Development* is evaluated for compliance with safety compatibility criteria. Sitewide average *Intensity* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.12 for definition of residential *Density*.
- 1.1.16. *Local Agency*: Any county, city, or other local governmental entity such as a special district, school district, or community college district—including any future city or district—having any jurisdictional territory lying within the *Airport Influence Area* as defined by this *ALUCP*. These entities are subject to the provisions of this *ALUCP* (see Policy 1.4.1).
- 1.1.17. *Major Land Use Action*: *Actions* related to proposed land uses for which compatibility with *Airport* activity is a particular concern, but for which *ALUC* review is not always mandatory under state law. These types of *Actions* are listed in Policy 2.2.2.
- 1.1.18. *Noise-Sensitive Land Uses*: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common

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<sup>1</sup> Federal Aviation Regulations (FAR) that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the FAR Part 77 height limits constitute airspace obstructions. FAR Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace.

types of noise sensitive land uses include, but are not limited to: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, childcare facilities, and certain types of passive recreational parks and open space.

- 1.1.19. *Override*: An action that a *Local Agency* can take in accordance with provisions of state law if the *Local Agency* wishes to proceed with a proposed plan or *Action* in spite of an *ALUC* finding that the *Action* is inconsistent with this *ALUCP*.<sup>2</sup> See Section 2.6 in Chapter 2 for process required to *Override* the *ALUC*.
- 1.1.20. *Redevelopment*: Any new construction that replaces the existing use of a site, particularly at a *Density* or *Intensity* greater than that of the *Existing Land Use*. *Redevelopment* projects are subject to the provisions of this *ALUCP* to the same extent as other forms of proposed development.
- 1.1.21. *Risk-Sensitive Land Uses*: Land uses that represent special safety concerns irrespective of the number of people associated with the use (see Policy 3.4.6). Specifically: uses with vulnerable occupants; hazardous materials storage; or critical community infrastructure.

## 1.2. ALUCP Geographic Scope

- 1.2.1. *Airport Influence Area*: The *Airport Influence Area* addressed by this *ALUCP* encompasses all lands on which the uses could be negatively affected by current or future aircraft operations at the *Amedee Army Airfield* as well as lands on which the uses could negatively affect airport usage and thus necessitate restriction on those uses.<sup>3</sup>
  - (a) The *Airport Influence Area* depicted in **Map 3A, Compatibility Policy Map**, encompasses the geographic extents of four types of compatibility concerns and considers them in a composite manner.
    - (1) Noise: Locations exposed to potentially disruptive levels of aircraft noise.
    - (2) Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.
    - (3) Airspace Protection: Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the *Airport*.
    - (4) Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.
  - (b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors to be considered when reviewing a project for consistency within this *ALUCP*.
- 1.2.2. *Referral Area*: The *Airport Influence Area* defined by this *ALUCP* constitutes the *Referral Area* within which certain *Land Use Actions* are subject to *ALUC* review to determine consistency with this *ALUCP*. See Section 2 below for the types of *Actions* subject to *ALUC* review.

<sup>2</sup> See *Public Utilities Code Section 21670(a), 21676 and 21676.5* for specific procedures for overruling the *ALUC*.

<sup>3</sup> The basis for delineating the *Airport Influence Area* is set by state law in *Business and Professions Code Section 11010*.



### 1.3. ALUC/ALUCP Overview

- 1.3.1. *ALUC*: The *Lassen County Airport Land Use Commission (ALUC)* as established by the Lassen County Board of Supervisors in 1986 or legally established successor agency.
- 1.3.2. *ALUCP*: With limited exceptions, California law requires an *ALUCP* for each public-use and military airport in the state. The basic purpose of this document, the *Amedee Army Airfield Land Use Compatibility Plan (ALUCP)*, is to establish the procedures and criteria applicable to airport land use compatibility planning in the vicinity of *Amedee Army Airfield*. The *ALUCP* is prepared in accordance with the requirements of the California State Aeronautics Act<sup>4</sup> and guidance provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation, Division of Aeronautics in October 2011.
- 1.3.3. *Effective Date and Amendment*: The policies herein are effective as of the date that the *ALUC* adopts the *ALUCP*. Amendment of this *ALUCP* may be made once per calendar year, as provided by law.<sup>5</sup>
- 1.3.4. *Use by ALUC*: The *ALUC* shall:
  - (a) Formally adopt and amend this *ALUCP*, as provided by law.<sup>6</sup>
  - (b) When a *Land Use Action* is referred for review as provided by Section 2, make a determination as to whether such *Action* is consistent with the criteria set forth in this *ALUCP*.
- 1.3.5. *Coordination with the United States Army*: When a *Land Use Action* is referred to the *ALUC* for review as provided by Section 2, the *ALUC Secretary* shall forward a courtesy copy of the application to the Siera Army Depot for comments. All comments from the Siera Army Depot will be considered by the *ALUC* in its consistency determination of the proposed *Land Use Action*.

### 1.4. ALUCP Applicability

- 1.4.1. *Affected Local Agencies*: The policies of this *ALUCP* shall apply to each of the following affected *Local Agencies* in Lassen County having jurisdiction over lands within all or parts of the *Airport Influence Area* defined by this *ALUCP*; specifically:
  - (a) County of Lassen.
  - (b) Any future city within Lassen County that may be incorporated within the *Airport Influence Area*.
  - (c) Any existing or future special districts, school districts or community college districts within Lassen County to the extent that the district boundaries extend into the *Airport Influence Area*.
- 1.4.2. *Use by Affected Local Agencies*: The *Local Agency* shall:

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<sup>4</sup> *Public Utilities Code Section 21670 et seq.*

<sup>5</sup> *Public Utilities Code Section 21675(a).*

<sup>6</sup> In accordance with *Public Utilities Code Section 21674(c).*

- (a) Modify its respective general plan, applicable specific plan(s), zoning ordinance and building regulations to be consistent with the policies in this *ALUCP*.<sup>7</sup>
  - (b) Utilize the *ALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan and zoning ordinance, when making planning decisions regarding proposed development of lands with the *Airport Influence Area*.
  - (c) Apply the policies of this *ALUCP* when creating facility master plans and making other planning decisions regarding the proposed development of lands under the districts' control with the *Airport Influence Area*.
  - (d) Refer proposed *Land Use Actions* for review by the *ALUC* as specified by Policies 2.1.1 and 2.2.1 herein.
  - (e) Address the compatibility criteria contained in this *ALUCP* in addition to referencing guidance from the *Handbook* when preparing an environmental document for any project within the *Airport Influence Area*.<sup>8</sup>
- 1.4.3. *Use by the United States Army:* The *Amedee Army Airfield* is owned and operated by the United States Army and operated by Sierra Army Depot. The *ALUC* has no jurisdiction over the operation of the airport nor over land use development of federal lands. The information included in this *ALUCP* is provided for informational purposes only. The *ALUC* requests that United States Army inform the *ALUC* of any proposals for “airport expansion”<sup>9</sup> or changes in the military’s missions (i.e., aircraft operations) so that the *ALUC* may amend this *ALUCP*, if warranted.

## 1.5. Limitations of this *ALUCP*

- 1.5.1. *Airport Operations:* In general, neither the *ALUC* nor this *ALUCP* have authority over the planning and design of on-airport facilities or over *Airport* operations including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.<sup>10</sup>
- 1.5.2. *Federal, State and Tribal Entities:* Lands controlled (i.e., owned, leased, or in trust) by federal or state agencies or by Native American tribes are not subject to the provisions of the state *ALUC* statutes or this *ALUCP*. However, the compatibility criteria included herein are intended as recommendations to these agencies.
- 1.5.3. *Existing Land Uses:* The policies of this *ALUCP* do not apply to *Existing Land Uses*.<sup>11</sup> A land use is considered to be “existing” when a “vested right” is obtained prior to the adoption date of this *ALUCP* by the *ALUC*.<sup>12</sup>

<sup>7</sup> *Public Utilities Code Section 21676(a)* specifically requires general plan consistency. Because specific plans and zoning ordinances are also subject to *ALUC* review, the consistency requirement also extends to them.

<sup>8</sup> The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an *Airport Influence Area* to evaluate whether the project would expose people residing or working in the project area to excessive levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096). In the preparation of such environmental documents, the law specifically requires that the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics be utilized as a technical resource.

<sup>9</sup> *Public Utilities Code Section 21664.5* defines “airport expansion” as

<sup>10</sup> This is an explicit limitation of state law under *Public Utilities Code Section 21674(e)*.

<sup>11</sup> This is an explicit limitation of *Public Utilities Code Sections 21670(a) and 21674(a)*.

<sup>12</sup> Vested means “the irrevocable right to complete construction notwithstanding an intervening change in the law that would otherwise preclude it.” (*McCarthy v. California Tahoe Regional Planning Agency*, (1982) 129 Cal.App.3d 222, 230 (1982)).

- (a) Qualifying Criteria: An *Existing Land Use* is one that either physically exists or for which a vested right has been obtained in one of the following ways:
  - (1) Obtained a valid building permit, performed substantial work and incurred substantial liabilities in good faith reliance upon the permit.<sup>13</sup>
  - (2) Obtained an executed and valid development agreement;<sup>14</sup> or
  - (3) Obtained an approved and unexpired vesting tentative map.<sup>15</sup>
- (b) Expiration of *Local Agency* Commitment: If a *Local Agency*'s commitment to a development proposal, as set forth in Paragraph (a) of this policy, expires, the proposal will no longer qualify as an *Existing Land Use*. As such, the proposal shall be subject to the policies of this *ALUCP*.
- (c) Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *ALUC* review in accordance with the policies of Section 2.
- (d) Determination: The *ALUC* shall make the determination as to whether a specific project meets the qualifying criteria set forth in Paragraph (a) of this policy. Once the *ALUC* finds that a *Local Agency*'s general plan is consistent with the *ALUCP*, this determination shall be made by the *Local Agency*.

#### 1.5.4. *Development by Right:*

- (a) Nothing in this *ALUCP* prohibits:
  - (1) Construction of a single-family home or secondary unit as defined by state law and local regulations on a legal lot of record as of the date of adoption of this *ALUCP*.<sup>16</sup>
  - (2) Lot line adjustments provided that new developable parcels would not be created and the resulting *Density* or *Intensity* of the affected property would not exceed the applicable *Density* or *Intensity* criteria indicated in **Table 3A, Basic Compatibility Criteria**.
  - (3) Construction or establishment of a family day care home serving 14 or fewer children either in an existing dwelling or in a new dwelling permitted by the policies of this *ALUCP*.

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<sup>13</sup> According to the California Supreme Court, the right to develop becomes vested when all discretionary approvals for a project have been obtained and only ministerial (administrative) approvals remain [*AVCO Community Developers, Inc. v. South Coast Commission*, 17 Cal.3d 785, 791 (1976)]. Determination of what is a ministerial action varies by *Local Agency*.

<sup>14</sup> *California Government Code Section 65864 et seq.*

<sup>15</sup> *California Government Code Section 66498.1 et seq* and *City of West Hollywood v. Beverly Towers, Inc.*, 52 Cal.3d 1184, 1191 (1991).

<sup>16</sup> *California Government Code Section 65852.2(c)(5)*.

## 2. ALUC REFERRAL/REVIEW PROCESS FOR LAND USE ACTIONS

### 2.1. Land Use Actions Always Subject to ALUC Review

2.1.1. *Mandatory Referral of Land Use Actions:* A *Local Agency* always must refer the following *Land Use Action* to the *ALUC* for formal review and determination of consistency with this *ALUCP*:<sup>17</sup>

- (a) Adoption or approval of any new general plan, specific plan, or facility master plan or any amendment thereto that affects lands within the *Airport Influence Area*.
- (b) Adoption or approval of a zoning ordinance or building regulation, including any proposed change or variance to any such ordinance or regulation, that (1) affects land within the *Airport Influence Area* and (2) involves the types of airport impact concerns listed in Policy 1.2.1(a).

### 2.2. Referral Process Before Local Agency Attains General Plan Consistency

2.2.1. *Interim Mandatory Referral of Major Land Use Actions:* Before a *Local Agency* either makes its general plan, specific plans, zoning ordinance or facility master plans consistent with the *ALUCP* or, as allowed by law, *Overrules* the *ALUC* as , the *Local Agency* must refer all *Major Land Use Actions* (see list in Policy 2.2.2) to the *ALUC* for review. Although the *ALUC* has authorized the *ALUC Secretary* (*ALUC* Resolution 87-03) to review certain development proposals around the public-use airports in Lassen County (e.g., Susanville Municipal Airport), all projects within the *Airport Influence Area* for Amedee Airfield will be reviewed by the *ALUC*.

2.2.2. *Major Land Use Actions:* Under the conditions indicated in Policy 2.2.1, state law allows *ALUCs* to require *Local Agencies* to refer all actions, regulations, and permits involving land within the *Airport Influence Area* to the *ALUC* for review.<sup>18</sup> Rather than reviewing “all actions, regulations and permits,” the *ALUC* has opted to review only a select list of *Major Land Use Actions*. They are:

- (a) Any proposed expansion of the sphere of influence of a city or special district.
- (b) Proposed pre-zoning associated with future annexation of land to a city.
- (c) Major infrastructure or other capital improvements (e.g., water, sewer, or roads) that would promote urban uses in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
- (d) Proposed land acquisition by a *Local Agency* for any building intended to accommodate the public (for example, a school, jail, or hospital).
- (e) Proposed development agreements or amendments to such agreements.
- (f) Any development proposal within *Compatibility Zone A*.

<sup>17</sup> *Public Utilities Code Section 21676(b)*. Note that *Public Utilities Code Section 21676(c)* requires *ALUC* review of airport master plans and certain other on-airport actions for civilian airports. This requirement does not apply to military airports as the land is federally owned.

<sup>18</sup> *Public Utilities Code Section 21676.5(a)*.

- (g) Proposed residential development, including land divisions, consisting of 5 or more dwelling units or parcels.
- (h) Proposed nonresidential development having a building floor area of 10,000 square feet or greater.
- (i) Any development proposal for projects (temporary or permanent) expected to attract a congregation of people (including employees, customers/visitors) to outdoor activities at the project site. For the purposes of this policy, a congregation of people is deemed to occur if, during a typical busy period, there would be more people present than the number of people allowed in 1.0 acre in accordance with the maximum sitewide average intensity (people/acre) established for each *Compatibility Zone* (see Compatibility Criteria **Table 3A**).
- (j) Any proposed object (including buildings, antennas, and other structures) that receives a determination of anything other than “not a hazard to air navigation” by the Federal Aviation Administration in accordance with FAR Part 77.
- (k) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
  - (1) Electrical interference with radio communications or navigational signals;
  - (2) Lighting which could be mistaken for airport lighting;
  - (3) Glare in the eyes of pilots of aircraft using the airport; and
  - (4) Impaired visibility near the airport.
- (l) Any project having the potential to create a thermal plume extending to an altitude where aircraft fly.
- (m) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in the vicinity of an airport.
- (n) Any other proposed *Land Use Action*, as determined by the *Local Agency*, involving a question of compatibility with airport activities.
- (o) Minor *Actions* of types not included on the *Major Land Use Actions* list may also be referred on a voluntary basis.

### 2.3. Referral Process After Local Agency Attains General Plan Consistency

- 2.3.1. *Voluntary Referral of Major Land Use Actions:* After a *Local Agency* has revised its general plan, specific plans, zoning ordinance or facility master plans to be consistent with this *ALUCP* or has *Overruled* the *ALUC*, referral of *Major Land Use Actions* for *ALUC* review is voluntary.<sup>19</sup>

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<sup>19</sup> Once a *Local Agency* either makes its general plan, specific plans, zoning ordinance or facilities master plan consistent with the *ALUCP* or *Overrules* the *ALUC* as provided by law, the *ALUC* no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the *ALUC* and the local agency can agree that the *ALUC* should continue to receive, review, and comment upon individual projects.

- (a) The scope or character of certain *Major Land Use Actions*, as listed above in Policy 2.2.2, is such that their compatibility with *Airport* activity is a potential concern. Even though these *Major Land Use Actions* may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, the *ALUC* requests *Local Agencies* to continue to refer *Major Land Use Actions* as listed in Policy 2.2.2 for informal review and comment. *ALUC* review of these types of projects can serve to enhance their compatibility with *Airport* activity.
- (b) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide comments on all *Actions* referred to the *ALUC* on a voluntary basis.
- (c) Because the *ALUC* review of *Actions* referred on a voluntary basis do not represent formal consistency determinations as is the case with *Actions* referred under Policies 2.1.1 or 2.2.1, *Local Agencies* are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the *ALUC*.

## 2.4. Review Process for General Plans, Specific Plans, Zoning Ordinances, Building Regulations and Facility Master Plans

- 2.4.1. *Required Submittal Information:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment shall be submitted to the *ALUC*. Any supporting material, such as environmental documents, assessing the proposal's consistency with the *ALUCP* should be included. If the amendment is required as part of a proposed *Major Land Use Action*, then the information listed in Policy 2.5.1 shall also be included to the extent applicable.
- 2.4.2. *ALUC Action Choices:* When reviewing a general plan, specific plan, facility master plan, zoning ordinance, or building regulation for consistency with the *ALUCP*, the *ALUC* has three choices of action:
  - (a) Find the plan, ordinance, or regulation consistent with the *ALUCP*. To make such a finding with regard to a general plan, the conditions identified in Section 3 must be met.
  - (b) Find the plan, ordinance, or regulation consistent with the *ALUCP*, subject to conditions and/or modifications that the *ALUC* may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.
  - (c) Find the plan, ordinance, or regulation inconsistent with the *ALUCP*. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts or shortcomings upon which its determination is based.
- 2.4.3. *Response Time:* The *ALUC* must respond to a *Local Agency's* request for a consistency determination on a general plan, specific plan, facility master plan, zoning ordinance, or building regulation within 60 days from the date of referral.<sup>20</sup>

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<sup>20</sup> *Public Utilities Code Section 21676(d).*

- (a) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.4.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete.
- (b) If the *ALUC* fails to make a determination within the 60-day period, the proposed *Action* shall be deemed consistent with the *ALUCP*.
- (c) The 60-day review period may be extended if the referring *Local Agency* or project applicant agrees in writing or so states at an *ALUC* public hearing on the *Action*.
- (d) Regardless of *ALUC* action or failure to act, the proposed *Action* must comply with other applicable local, state, and federal regulations and laws.
- (e) The referring *Local Agency* shall be notified of the *ALUC*'s action in writing.

## 2.5. Review Process for Major Land Use Actions

2.5.1. *Required Submittal Information:* A proposed *Major Land Use Action* referred for *ALUC* review shall include the following information to the extent applicable:

- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
- (b) An accurately scaled map depicting the project site location in relationship to the airport boundary, runway and *Compatibility Zones*.
- (c) A description of the proposed use(s), current general plan and zoning designations, and the type of *Major Land Use Action* being sought from the *Local Agency* (e.g., zoning variance, special use permit, building permit).
- (d) A detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces, and water bodies; ground elevations (above mean sea level) and elevations of tops of structures and trees. Additionally:
  - (1) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units as defined by state law and local regulations).
  - (2) For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the maximum number of people (employees, visitors/customers) potentially occupying the total site or portions thereof at any one time.
- (e) Identification of any features, during or following construction that would increase the attraction of birds or cause other wildlife hazards to aircraft operations at the *Airport* or in its environs (see Policy 3.5.2). Such features include, but are not limited to the following:
  - (1) Open water areas.
  - (2) Sediment ponds, retention basins.
  - (3) Detention basins that hold water for more than 48 hours.
  - (4) Artificial wetlands.
- (f) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.



- (g) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
  - (h) Staff reports regarding the project.
  - (i) Other relevant information that the *ALUC* or *ALUC Secretary* determine to be necessary to enable a comprehensive review of the proposed *Major Land Use Action*.
- 2.5.2. *ALUC Action Choices*: When reviewing a *Major Land Use Action* for consistency with the *ALUCP*, the *ALUC* has three choices of action:
- (a) Find the project consistent with the *ALUCP*.
  - (b) Find the project consistent with the *ALUCP*, subject to compliance with such conditions as the *ALUC* may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).
  - (c) Find the project inconsistent with the *ALUCP*. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts upon which the determination is based.
- 2.5.3. *Response Time*: In responding to *Major Land Use Actions* referred for review, the policy of the *ALUC* is that:
- (a) When a *Major Land Use Action* is referred for review on a mandatory basis as required by Policy 2.2.1:
    - (1) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.5.1 is received by *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete.
    - (2) Reviews of projects forwarded to the *ALUC* for a consistency determination shall be completed within 60 days of the date of referral.<sup>21</sup>
    - (3) If the *ALUC* fails to make a determination within the above time periods, the proposed *Major Land Use Action* shall be deemed consistent with the *ALUCP*.
  - (b) When a *Major Land Use Action* is referred on a voluntary basis in accordance with Policy 2.3.1, review by the *ALUC* should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the referring *Local Agency*.
  - (c) Regardless of action or failure to act on the part of the *ALUC*, the proposed *Major Land Use Action* must comply with other applicable local, state, and federal laws and regulations.
  - (d) The referring *Local Agency* shall be notified of the *ALUC*'s action in writing.
- 2.5.4. *Subsequent Reviews of Related Major Land Use Actions*: Once a project has been found consistent with the *ALUCP*, it generally need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed). However, additional *ALUC* review is required if any of the following are true:

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<sup>21</sup> For *Major Land Use Actions*, this 60-day limit is not a statutory requirement, but is set by the *ALUC* to be consistent with Policy 2.4.3 and *Public Utilities Code Section 21676(d)* regarding general plans, specific plans, zoning ordinances, and building regulations.

- (a) At the time of the original *ALUC* review, the project information available was only sufficient to determine consistency with compatibility criteria at a planning level of detail, not at the project design level. For example, the proposed land use designation indicated in a general plan, specific plan, or zoning amendment may have been found consistent, but information on site layout, maximum *Intensity* limits, building heights, and other such factors that may also affect the consistency determination for a project may not have yet been known.
- (b) The design of the project subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency.
- (c) At the time of original *ALUC* review, conditions were placed on the project that require subsequent *ALUC* review.
- (d) The *Local Agency* concludes that further review is warranted.

## 2.6. Process for Overruling the ALUC

- 2.6.1. *ALUC Determination of "Inconsistent"*: If the *ALUC* determines that a proposed *Land Use Action* is inconsistent with this *ALUCP*, the *ALUC* must notify the *Local Agency* and shall indicate the reasons for the inconsistency determination.
- 2.6.2. *Overruling of ALUC by Local Agency*: If a *Local Agency* wishes to proceed with a proposed *Land Use Action* that the *ALUC* has determined to be inconsistent with the *ALUCP*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *ALUC* determination in accordance with the provisions of state law.<sup>22</sup> See Chapter 1 for the steps that a *Local Agency* must take to overrule the *ALUC*.
- 2.6.3. *ALUC Comments on Proposed Overruling*: The *ALUC* may provide comments on the proposed overruling decision. The *ALUC* delegates to the *ALUC Secretary* the authority to provide comments.

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<sup>22</sup> See *Public Utilities Code Section 21670(a), 21676 and 21676.5* for specific procedures for overruling the *ALUC*. Further guidance is provided in the *California Airport Land Use Handbook* published by the California Division of Aeronautics (see beginning on page 5-15 of the 2011 edition). Chapter 1 of this *ALUCP* also summarizes the overrule process to be followed by a *Local Agency*.

CHAPTER **3**

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# Compatibility Policies and Maps

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## Compatibility Policies and Maps

### 3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

#### 3.1. Criteria for Review of General Plans, Specific Plans, Facility Master Plans, Zoning Ordinances, and Building Regulations

- 3.1.1. *Statutory Requirement:* State law requires that each *Local Agency* having territory within an *Airport Influence Area* modify its general plan and any applicable specific plan to be consistent with the compatibility plan for the particular airport unless it takes the steps required to *Overrule* the *ALUC*. In order for a general plan to be considered consistent with this *ALUCP*, the requirements established in Policies 3.1.2 through 3.1.4 must be satisfied.<sup>23</sup>
- 3.1.2. *Elimination of Conflicts:* No direct conflicts can exist between the two plans.
- (a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in **Table 3A, Basic Compatibility Criteria**. In addition, conflicts with regard to other policies—height limitations in particular—may exist.
  - (b) A general plan cannot be found inconsistent with the *ALUCP* because of land use designations that reflect *Existing Land Uses* even if those designations conflict with the compatibility criteria of this *ALUCP*. General plan land use designations that merely echo the *Existing Land Uses* are exempt from requirements for general plan consistency with the *ALUCP*.<sup>24</sup> Proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *ALUCP* and are subject to *ALUC* review.
  - (c) To be consistent with the *ALUCP*, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. For example, future reuse of a building must not result in a usage *Intensity* that

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<sup>23</sup> See Chapter 1 and Appendix B for additional guidance.

<sup>24</sup> This exemption derives from state law which proscribes *ALUC* authority over *Existing Land Uses*.

exceeds the applicable standard or other limit approved by the *ALUC* (see Policy 3.4.5).

3.1.3. *Establishment of Review Process: Local Agencies* must define the process they will follow when reviewing proposed land use development within an *Airport Influence Area* to ensure that the development will be consistent with the policies set forth in this *ALUCP*.

- (a) The process established must ensure that the proposed development is consistent with the land use or zoning designation indicated in the *Local Agency's* general plan, specific plan, zoning ordinance, and/or other development regulations that the *ALUC* has previously found consistent with this *ALUCP* and that the development's subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage *Intensity*, height limitations, *Avigation Easement* dedication—must be assessed.
- (b) The review process may be described either within the general plan or specific plan(s) themselves or in implementing ordinances. Local jurisdictions have the following choices for satisfying this review process requirement:
  - (1) Sufficient detail can be included in the general plan or specific plan(s) and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable *ALUCP* (this means both that the compatibility criteria be identified and that project review procedures be described);
  - (2) The *ALUCP* can be adopted by reference (in this case, the project review procedure must be described in a separate policy document or memorandum of understanding presented to and approved by the *ALUC*); and/or
  - (3) The general plan can indicate that all *Land Use Actions*, or a list of *Land Use Action* types agreed to by the *ALUC*, shall be submitted to the *ALUC* for review in accordance with the policies of Section 2 in Chapter 2.

3.1.4. *Land Use Conversion:* The compatibility of uses in the *Airport Influence Areas* shall be preserved to the maximum feasible extent. Particular emphasis should be placed on preservation of existing agricultural and open space uses.

- (a) The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses within *Compatibility Zones A, B1, B2, and C* is prohibited.
- (b) In *Compatibility Zone D*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) which would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

## 3.2. Criteria for Review of Land Use Actions

3.2.1. *Evaluating Compatibility of New Land Uses:* The compatibility of proposed land uses within the *Airport Influence Area* shall be evaluated in accordance with:

- (a) The general policies set forth in Sections 3.3 through 3.7 of this Chapter addressing noise, safety, airspace protection, overflight impacts and special circumstances.
- (b) The basic compatibility criteria listed in **Table 3A**, *Basic Compatibility Criteria*.

- (c) The compatibility zones depicted in **Map 3A**, *Compatibility Policy Map* and described in **Table 3B**, *Compatibility Zone Delineation*.
- (d) The FAR Part 77 airspace surfaces depicted in **Exhibit 4F**, *Factors Map: Overflight and Airspace*, of Chapter 4.

Zone	Locations	Maximum Densities / Intensities			Additional Criteria	
		Residential (du/ac)	Other Uses (people/ac) <sup>1</sup>		Prohibited Uses <sup>2</sup>	Other Development Conditions <sup>3</sup>
			Average <sup>4</sup>	Single Acre <sup>5</sup>		
<b>A</b>	<i>Runway Clear Zone</i>	0	0	0	<ul style="list-style-type: none"> <li>› All objects except ones with location set by aeronautical function</li> <li>› All objects exceeding FAR Part 77 height limits</li> <li>› Hazards to flight <sup>6</sup></li> <li>› Assemblages of people</li> <li>› Storage of hazardous materials</li> </ul>	<ul style="list-style-type: none"> <li>› FAA airspace determination of no hazard required</li> <li>› Avigation easement dedication to County of Lassen on behalf of US Army required</li> </ul>
<b>B1</b>	<i>Inner Safety Zone</i>	0	25	50	<ul style="list-style-type: none"> <li>› All objects exceeding FAR Part 77 height limits</li> <li>› Hazards to flight <sup>7</sup></li> <li>› Residential uses</li> <li>› Assembly uses (e.g., meeting halls)</li> <li>› Highly noise-sensitive uses (e.g., outdoor theaters)</li> <li>› Uses containing vulnerable occupants (e.g., children's schools, nursing homes) <sup>7</sup></li> <li>› Aboveground bulk storage of hazardous materials <sup>8</sup></li> <li>› Critical community infrastructure facilities <sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from extended runway centerline</li> <li>› FAA airspace determination of no hazard required</li> <li>› Avigation easement dedication to County of Lassen on behalf of US Army required</li> </ul>
<b>B2</b>	<i>Outer Safety Zone</i>	0	50	150	› Same as Zone B1	› Same as Zone B1
<b>C</b>	<i>Transitional Safety Zone</i>	0	100	300	<ul style="list-style-type: none"> <li>› Hazards to flight <sup>7</sup></li> <li>› Residential uses</li> <li>› Major assembly uses (e.g., major spectator-oriented sports stadiums, amphitheaters)</li> <li>› Highly noise-sensitive uses (e.g., outdoor theaters)</li> <li>› Uses containing vulnerable occupants (e.g., schools, nursing homes) <sup>8</sup></li> <li>› Aboveground bulk storage of hazardous materials <sup>9</sup></li> <li>› Critical community infrastructure facilities <sup>10</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from extended runway centerline</li> <li>› FAA airspace determination of no hazard required</li> <li>› Avigation easement dedication to County of Lassen on behalf of US Army required</li> </ul>
<b>D</b>	<i>Traffic Pattern Zone</i>	0.05 (ave. parcel size ≥20 ac.)	200	800	<ul style="list-style-type: none"> <li>› Hazards to flight <sup>7</sup></li> <li>› Major assembly uses (e.g., major spectator-oriented sports stadiums, amphitheaters)</li> </ul>	<ul style="list-style-type: none"> <li>› Residential uses, noise-sensitive uses, risk-sensitive uses or bulk storage of hazardous materials discouraged beneath principal flight tracks</li> <li>› FAA airspace determination of no hazard required</li> <li>› Real estate disclosure required</li> </ul>

Table 3A

## Basic Compatibility Criteria



**NOTES:**

- <sup>1</sup> Proposed development must comply with both the average and single-acre intensity limits (See Policies 3.4.1 and 3.4.2). Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. See Policy 3.4.3 for guidance on calculating usage intensities.
- <sup>2</sup> The uses listed here are ones which are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will not be permitted if they create an airspace hazard or do not meet the usage intensity criteria.
- <sup>3</sup> Aviation Easement dedication requirements indicated for specific compatibility zones apply only to new development (see Policy 3.7.1). ALUC Policy 3.6.1 requires that information regarding airport proximity and the existence of aircraft overflights must be disclosed as part of all real estate transactions involving residential and nonresidential property within any compatibility zone (i.e., anywhere within an airport influence area).
- <sup>4</sup> The total number of people permitted on a project site at any time, except rare special events, must not exceed the indicated usage intensity times the acreage of the site. Rare special events are ones (such as an air show or golf tournament) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
- <sup>5</sup> Clustering of nonresidential development is permitted. However, no single acre of a project site shall exceed the indicated number of people per acre.
- <sup>6</sup> Hazards to flight include physical (e.g., tall objects), visual and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. See Section 3.5 for details.
- <sup>7</sup> Uses having vulnerable occupants (e.g., children, elderly and/or disabled) represent special safety concerns and include children's schools (grades K – 12), day care centers (>14 children), hospitals, penal institutions, etc. See Policy 3.4.6(a) for details.
- <sup>8</sup> Storage of aviation fuel and other aviation-related flammable materials on the airport is exempted from this criterion. Above-ground storage of up to 6,000 gallons of nonaviation flammable materials is also exempted. See Policy 3.4.6(b) for details.
- <sup>9</sup> Critical community facilities include power plants, electrical substations, public communications facilities and public safety facilities (e.g., police and fire stations). See Policy 3.4.6(c) for details.

**Table 3A, continued**

Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
<b>A</b> <i>Runway Clear Zone</i>	<i>Noise Impact: High</i> > Mostly above CNEL 60 dB	<i>Risk Level: Very High</i> > Includes AICUZ <sup>1</sup> Clear Zones and Handbook <sup>2</sup> Runway Protection Zones > Object heights restricted to <35 feet in some areas
<b>B1</b> <i>Inner Safety Zone</i>	<i>Noise Impact: Moderate to High</i> > Typically above CNEL 55 dB > Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open	<i>Risk Level: High</i> > Includes AICUZ Accident Potential Zone (APZ) I and Safety Zone 2 > Encompasses areas overflowed by aircraft at low altitudes—typically only 200 to 400 feet above the runway elevation. > Object heights restricted to <35 feet in some areas
<b>B2</b> <i>Outer Safety Zone</i>	<i>Noise Impact: Moderate</i> > May exceed CNEL 55 dB > Exposed to loud single-event noise from takeoffs and jet thrust-reverse on landing; also from pre-flight run-ups	<i>Risk Level: Moderate</i> > Includes AICUZ Accident Potential Zone (APZ) II and Handbook Safety Zones 3 and 4 > Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude > Area not normally overflowed by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff > Object heights restricted to <35 feet in some areas
<b>C</b> <i>Transitional Safety Zone</i>	<i>Noise Impact: Moderate to Low</i> > Noise more of a concern with respect to individual loud events than with cumulative noise contours	<i>Risk Level: Moderate to Low</i> > Includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading > Object heights restricted to as little as 35 feet
<b>D</b> <i>Traffic Pattern Zone</i>	<i>Noise Impact: Low</i> > Primary C-130 aircraft touch-and-go traffic pattern south of airport > Aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor activities	<i>Risk Level: Low</i> > Includes Handbook Safety Zone 6; large area encompassed means a low likelihood of accident occurrence in any given location > Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area) > Airspace concern is generally with object heights >100 feet above runway elevation

Notes

1. Department of Defense Instruction. Air Installations Compatible Use Zones (AICUZ), March 2015.
2. Caltrans Division of Aeronautics. California Airport Land Use Planning Handbook (Handbook), October 2011.

Table 3B

## Compatibility Zone Delineation

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- 3.2.2. *Residential Development:* The following criteria shall be applied to evaluation of the compatibility of proposed residential development.
- (a) In no case shall a proposed residential development be designed to accommodate more than the total number of dwelling units per acre indicated in **Table 3A** times the gross acreage of the project site. A project site may include multiple parcels.
  - (b) Clustering of residential development shall be limited to no more than 4 dwelling units in any individual acre.
  - (c) Buildings shall be located as far as practical from the extended runway centerline and normal aircraft flight paths.
  - (d) Construction of a single-family home, secondary unit or farmworker housing, as defined by state law and local regulations, on a legal lot of record shall be allowed by this *ALUCP*.<sup>25</sup>
  - (e) Secondary units and farmworker housing, as defined by state law, shall be excluded from density calculations.
  - (a) Residential dwellings allowed by right in accordance with Policy 1.5.4 shall be located outside of *Compatibility Zones A, B1, B2 and C* where feasible or a maximum distance from the extended runway centerline.
  - (b) Other development conditions as also listed in **Table 3A** apply to sites within certain *Compatibility Zones*.
- 3.2.3. *Nonresidential Development:* The usage intensity (people per acre) limits indicated in **Table 3A** for each *Compatibility Zone* are the fundamental criteria against which the safety compatibility of most nonresidential land uses shall be measured. **Table 3A** sets usage intensity (people/acre) limits measured with respect to both a project site as a whole and any single acre within the site. The total number of people permitted on a project site at any time, except for rare special events, must not exceed the indicated average- and single-acre usage intensity in **Table 3A**. Proposed development must comply with both limits. See Policy 3.4.3 for guidance on calculating usage intensities. Additional criteria listed in **Table 3A** shall also apply.
- 3.2.4. *Mixed-Use Development:* Projects involving a mixture of residential and nonresidential uses shall be evaluated as follows:
- (a) Where the residential and nonresidential uses are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments. Each component of the project must meet the criteria for the respective land use category in **Table 3A**. Specifically, the residential density shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential intensity calculated with respect to the area(s) proposed for nonresidential uses. This provision means that the residential density cannot be averaged over the entire project site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential intensity cannot be averaged over an area that includes residential uses.

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<sup>25</sup> California Government Code Section 65852.2(b)(5) and California Health and Safety Code Sections 17021.5 and 17021.6.

- (b) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site also must meet the criteria for each land use category to be included in the development. Additionally, for the purposes of compliance with usage intensity criteria in **Table 3A**, the normal occupancy of the residential component shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage intensity criteria cited in **Table 3A**. The *ALUC* may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.
- 3.2.5. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by *Compatibility Zone* boundaries shall be considered as if it were multiple parcels divided at the *Compatibility Zone* boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted zone. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the average-acre limits which would otherwise apply within that *Compatibility Zone*. The single-acre limits still apply and must not be exceeded.
- 3.2.6. *Prohibited Uses:* Regardless of usage intensity, certain types of uses are deemed unacceptable within portions of an airport influence area. See **Table 3A**. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective *Compatibility Zones* because they do not meet the usage intensity criteria.
- 3.2.7. *Discouraged Uses:* Uses listed in **Table 3A** as “discouraged” should generally not be permitted unless no feasible alternative is available. Expansion of a discouraged use is generally regarded as acceptable to the extent that previous acquisition and partial development of the site for that specific use make alternatives for expansion infeasible. Usage intensity limits and/or other criteria applicable to the site shall remain in effect.
- 3.2.8. *Other Development Conditions:* All types of proposed development shall be required to meet the additional conditions listed in **Table 3A** for the respective *Compatibility Zone* where the development is to be located.

## NOISE COMPATIBILITY POLICIES BACKGROUND INFORMATION

### *Policy Objective*

The purpose of noise compatibility policies is to avoid establishment of *Noise-Sensitive Land Uses* in the portions of the airport environs that are exposed to significant levels of aircraft noise.

### *Measures of Noise Exposure*

As is standard practice in California, this *ALUCP* uses the *Community Noise Equivalent Level (CNEL)* metric as the primary basis for evaluating the degree to which lands around the airport are exposed to airport-related noise. *CNEL* is a cumulative noise metric in that it takes into account not just the loudness of individual noise events, but also the number of events over time. Cumulative exposure to aircraft noise is depicted by a set of contours, each of which represents points having the same *CNEL* value.

The noise contours for Amedee Army Airfield are presented in Chapter 4 and reflect the airport activity levels documented in this chapter. The noise contours represent the greatest annualized noise impact, measured in terms of *CNEL*, which is anticipated to be generated by the aircraft operating at the airport over the planning time frame.

### *Factors Considered in Setting Noise Compatibility Policies*

Factors considered in setting the policies in this section include the following:

- Established state regulations and guidelines, including noise compatibility recommendations in the *California Airport Land Use Planning Handbook* (2011).
- Ambient noise levels in the community, as well as noise from other transportation noise sources. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and vary greatly between rural, suburban, and urban communities.
- The extent to which noise would intrude upon and interrupt the activity associated with a particular use. Susceptibility to speech interference or sleep disturbance as a result of single-event noise levels is a factor in this regard. Single-event (not *CNEL*) noise levels above approximately 65 dBA are sufficient to cause speech interference. Highly *Noise-Sensitive Land Uses* include, but are not limited to, residences, schools, libraries, and outdoor theaters.
- The extent to which the land use activity itself generates noise.
- The extent of outdoor activity, particularly noise-sensitive activities, associated with a particular land use.
- The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation. (Typical new building construction provides sufficient insulation to attenuate outdoor-to-indoor noise by at least 20 dB.)

## 3.3. Noise Compatibility Policies

3.3.1. *Maximum Acceptable Exterior Noise Exposure:* Given that most of the *Airport's* environs are rural in character, the *CNEL* 55 dB contour is one of the factors considered in establishing the *Compatibility Zone* boundaries and compatibility criteria. To minimize *Noise-Sensitive* development in noisy areas around the *Airport*, new noise-sensitive land uses (see Policy 1.1.18) shall be restricted in accordance with the following:

- (a) All new noise-sensitive uses shall be prohibited in *Compatibility Zones A, B1, B2 and C*.
- (b) Residential dwellings allowed by right in accordance with Policy 1.5.4 shall be located outside of *Compatibility Zones A, B1, B2 and C* where feasible or a maximum distance from the extended runway centerline.
- (c) Caution must be exercised with regard to approval of outdoor uses (e.g., amphitheaters)—the potential for aircraft noise to disrupt the activity shall be taken into account.
- (d) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.3.2 and as noted in **Table 3A, Basic Compatibility Criteria**.

3.3.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new noise-sensitive land use development shall be required to meet the following requirements:

- (a) New structures within *Compatibility Zones A, B1, B2 and C* shall incorporate sound attenuation design features sufficient to meet the interior noise level criteria of CNEL 45 dB. The calculations should assume that windows are closed. All future structures inside *Compatibility Zone D* are presumed to meet the interior noise level requirement with no special added construction techniques.<sup>26</sup>
- (b) Exceptions to the interior noise level criteria in Paragraph (a) of this Policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

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<sup>26</sup> A typical mobile home has an exterior-to-interior noise level reduction (NLR) of at least 15 dB with windows closed. Wood frame buildings constructed to meet current standards for energy efficiency typically have an NLR of at least 20 dB with windows closed.

## SAFETY COMPATIBILITY POLICIES BACKGROUND INFORMATION

***Policy Objective***

The intent of land use safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events should they occur. Risks both to people and property in the vicinity of an *Airport* and to people on board the aircraft are considered (land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section 3.5).

***Measures of Risk Exposure***

This *ALUCP* evaluates the risk that potential aircraft accidents pose to lands and people around the *Airport* in terms of two parameters: where aircraft accidents are most likely to occur near the *Airport*, and the potential consequences if an accident occurs in one of those locations.

- The accident likelihood is measured in terms of the geographic distribution of where accidents have historically occurred around other *Airports* having similar types of activity. Because aircraft accidents are infrequent occurrences, the pattern of accidents at any one *Airport* cannot be used to predict where future accidents are most likely to happen around that *Airport*. Reliance must be placed on data about aircraft accident locations at comparable *Airports* nationally, refined with respect to information about the characteristics of aircraft use at the individual *Airport*.
- The consequences component of the risk considers the number of people in harm's way and their ability to escape harm. For most nonresidential development, potential consequences are measured in terms of the usage *Intensity*—the number of people per acre on the site. Local development standards (e.g., floor area ratios, parking requirements) and building code occupancies can be used to calculate nonresidential usage *Intensities*. For residential development, *Density*—the number of dwelling units per acre—is substituted for *Intensity*. Additional criteria are applicable to specific types of uses.

***Factors Considered in Setting Safety Compatibility Policies***

Factors considered in setting the policies in this section include the following:

- The runway length, approach categories, normal flight patterns, and aircraft fleet mix at the *Airport*. These factors are reflected in the *Compatibility Zones* shapes and sizes.
- The locations, delineated with respect to the *Airport* runway, where aircraft accidents typically occur near *Airports* and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure.
- The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook* and the aircraft accident potential data provided for military airports in the Department of Defense's instruction for preparing an *Air Installations Compatible Use Zones (AICUZ)* study. The *Handbook* and *AICUZ* guidance regarding safety compatibility forms the basis for the safety component of the composite *Compatibility Zones* established for the *Airport* and the maximum usage intensities (people per acre) criteria indicated in Policy 3.4.2 and in **Table 3A, Basic Compatibility Criteria**.
- *Handbook* guidance regarding residential densities in rural areas. Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of certain land use characteristics that represent safety concerns regardless of the number of people present; specifically: vulnerable occupants (children, elderly, disabled), hazardous materials, and critical community infrastructure.
- The extent to which the occupied parts of a project site are concentrated in a small area. Concentrated high intensities heighten the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area (i.e., 1.0-acre area) of a large project site are appropriate.

### 3.4. Safety Compatibility Policies



3.4.1. *Residential Development Density Criteria:* Proposed residential development shall be evaluated in accordance with the following criteria:

- (a) Residential *Density* shall be measured in terms of dwelling units per acre (du/ac).
- (b) The maximum allowable residential *Density* within each *Compatibility Zone* shall be as indicated in **Table 3A, Basic Compatibility Criteria**.
- (c) All residential uses must comply with both the “sitewide average” and “single-acre” usage *Density* limits indicated for each *Compatibility Zone*.
  - (1) The “sitewide average” *Density* equals the total number of dwelling units divided by the site size in acres (i.e., the gross acreage of the project site) which may include multiple parcels.
  - (2) The “single-acre” *Density* equals the number of dwelling units in any single acre.
- (d) Residential dwellings allowed by right in accordance with Policy 1.5.4 shall be located outside of *Compatibility Zones A, B1, B2 and C* where feasible or a maximum distance from the extended runway centerline.
- (e) *Density* bonuses and other bonuses or allowances that local agencies may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation shall be included when calculating residential densities. The overall *Density* of a development project, including any bonuses or allowances, must comply with the allowable *Density* criteria of this *ALUCP*.
- (f) Secondary units and farmworker housing, as defined by state law and local regulations, shall be excluded from *Density* calculations.
- (g) In accordance with state law, a family day care home serving 14 or fewer children may be established in any existing dwelling or in any new dwelling permitted by the policies of this *ALUCP*.

3.4.2. *Nonresidential Development Intensity Criteria:* Nonresidential development shall be evaluated in accordance with the following criteria:

- (a) The usage *Intensity* (people per acre) limit indicated in **Table 3A, Basic Compatibility Criteria** for each *Compatibility Zone* is the fundamental criterion against which the safety compatibility of most nonresidential land uses shall be measured. Other criteria may be applicable to *Risk-Sensitive Land Uses* (see Policy 3.4.6).
- (b) The maximum allowable nonresidential *Intensity* within each *Compatibility Zone* shall be as indicated in **Table 3A, Basic Compatibility Criteria**.
- (c) All nonresidential uses must comply with both the “sitewide average” and “single-acre” usage *Intensity* limits indicated for each *Compatibility Zone*.
  - (1) The “sitewide average” *Intensity* equals the total number of people expected to be on the entire site divided by the site size in acres (i.e., the gross acreage of the project site) which may include multiple parcels.
  - (2) The “single-acre” *Intensity* equals the number of people expected to occupy the most intensively used 1.0-acre area(s) of the site.

- (d) Determination of compliance with the sitewide average *Intensity* criteria requires calculating the total occupancy of the site at any given time under normal busy use (see Policy 3.4.2(e)), then dividing by the total (gross) acreage of the project site.
- (e) Usage *Intensity* calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. The usage intensity criteria of this *ALUCP* are based upon a normal busy-period occupancy (or “peak” usage), not on the highest attainable occupancy.<sup>27</sup>
- (f) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage *Intensity* criteria in **Table 3A**, *Basic Compatibility Criteria*.
- (g) The need to calculate the usage *Intensity* of a particular project proposal for compliance with the *Intensity* criteria is to be governed by the following:
  - (1) Land use categories indicated as “Normally Compatible” for a particular *Compatibility Zone* are presumed to meet the *Intensity* criteria indicated for the *Compatibility Zone*. Calculation of the usage *Intensity* is not required unless the particular project proposal represents an atypical example of the usage type.
  - (2) Calculation of the usage *Intensity* must be done for all proposed projects where the land use category for the particular *Compatibility Zone* is indicated as “Conditional” and the additional criteria column says “Ensure *Intensity* criteria met.”
  - (3) In land use categories indicated as “Conditional” for the particular *Compatibility Zone*, but the criteria are other than “Ensure *Intensity* criteria met,” calculation of the usage *Intensity* is not necessary for typical examples of the use. However, the project proposal must comply with the other criteria listed for the applicable land use category.

3.4.3. *Methodology for Calculation of Average-Acre Intensity*: The number of occupants for a particular proposal or component thereof may be estimated by any of several methods (see also Appendix D):

- (a) The square footage of the building divided by the typical square footage occupied by each person (i.e., Occupancy Load Factor). For projects involving a mixture of uses in a building, the Occupancy Load Factor for each component use shall be applied to give the occupancy for that use, then the component occupancies are added to determine total occupancy.
  - (1) Appendix D provides typical occupancy load factors (square feet per person) for many land uses.
  - (2) Building and Fire Codes also provide a square footage per person for various types of building uses (see Appendix D). Building and Fire

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<sup>27</sup> This number will typically be lower than the absolute maximum number of occupants the facility can accommodate (such as would be used in determining compliance with building and fire codes).

Codes, though, are based on a maximum, never to be exceeded, number of occupants rather than the average busy period that is the basis for airport land use compatibility planning. As such, the total occupancy calculated using these codes must be reduced by a set factor—50 percent for most uses—to provide a number consistent with the indicated *Intensity* limit for each *Compatibility Zone*.

- (3) If a project applicant can document a higher Occupancy Load Factor for a particular use, then the *ALUC* may use that number in lieu of the number in Appendix D. In considering any such exceptions, the *ALUC* shall also take into account the potential for the use of a building to change over time (see Policy 3.4.5).
  - (b) For uses with fixed seats—restaurants, theaters, for example—the occupancy should be based upon the number of customer seats plus the number of employees on site.
  - (c) For many commercial and industrial uses, the occupancy can be estimated by considering the number of parking spaces required by the *Local Agency* and multiplying by the average occupancy per vehicle (this method would not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation).
- 3.4.4. *Methodology for Calculation of Single-Acre Intensity:* The single-acre *Intensity* of a proposed development shall be calculated by determining the total number of people expected to be within any 1.0-acre portion of the site, typically the most intensively used building or part of a building. Calculation of the single-acre *Intensity* depends upon the building footprint and site sizes and the distribution of activities on the site.
- (a) For sites less than 1.0 acre, the single-acre *Intensity* equals the total number of people on the site divided by the site size in acres.
  - (b) For sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.
  - (c) For sites having both site size and building footprint of more than 1.0 acre, the single-acre *Intensity* shall normally be calculated as the total number of building occupants divided by the building footprint in acres. This calculation assumes that the occupancy of the building is evenly distributed. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then all occupants of that area shall be included in the single-acre calculation.
  - (d) The 1.0-acre areas to be evaluated shall normally match the building footprints provided that the buildings are generally rectangular (reasonably close to square) and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.
  - (e) If a building has multiple floors, then the total number of occupants on all floors falling within the 1.0-acre footprint shall be counted.

- 3.4.5. *Long-Term Changes in Occupancy*: In evaluating compliance of a proposed nonresidential development with the usage *Intensity* criteria in **Table 3A, Basic Compatibility Criteria**, the *ALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria.
- 3.4.6. *Risk-Sensitive Land Uses*: Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern and the nature of the concern are listed below along with the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function.
- (a) *Uses Having Vulnerable Occupants*: These uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations.
- (1) The primary uses in this category include, but are not limited to the following:
- Children’s schools (grades K–12).
  - Day care centers (facilities with more than 14 children, as defined in the California Health and Safety Code).
  - In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
  - Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
  - Penal institutions.
- (2) Criteria for these types of facilities are as follows:
- Prohibited in *Compatibility Zones A, B1, B2 and C*.
  - All facilities catering to children are prohibited in *Compatibility Zones A-D*; all other uses containing vulnerable occupants allowed in *Compatibility Zone D*.
- (b) *Hazardous Materials Storage*: Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity.
- (1) Facilities in this category include, but are not limited to the following:
- Group One: Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment and use elsewhere.
  - Group Two: Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use.
- (2) Criteria for new or expanded facilities in the first group are as follows:
- Prohibited in *Compatibility Zones A, B1, B2 and C*.
  - Allowed in *Compatibility Zone D* provided that the proposed use would not create a *Hazard to Flight* (see Policy 3.5.2), such as plumes of smoke. Permitting agencies should evaluate the need for special measures to minimize hazards if the facility should be struck by an aircraft.
- (3) Criteria for new facilities in the second group are as follows:

- Prohibited in *Compatibility Zone A*.
  - In *Compatibility Zones B1, B2 and C*, only the following is allowed: 1) On-Airport storage of aviation fuel and other aviation-related hazardous materials; 2) storage of nonaviation fuel or other hazardous materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation hazardous materials in aboveground tanks.
  - Allowed in *Compatibility Zone D*. Permitting agencies should evaluate the need for special measures to minimize hazards if the facility should be struck by an aircraft.
- (c) Critical Community Infrastructure: This category pertains to facilities the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility.
- (1) These facilities include, but are not limited to the following:
- Public safety facilities such as police and fire stations.
  - Communications facilities including emergency communications, broadcast, and cell phone towers.
  - Primary, peaker, and renewable energy power plants, electrical substations, and other utilities.
- (2) Criteria for these types of facilities are as follows:
- All facilities shall be prohibited in *Compatibility Zones A, B1 and B2*.
  - Public safety facilities, communications facilities and non-primary utility facilities shall be allowed in *Compatibility Zones C and D* provided that the structures are located a maximum distance from the extended runway centerline and comply with the height limit, electrical interference, glare, visible and thermal plume, and other criteria contained in the airspace protection section, Section 3.5 of this *ALUCP*.
  - Primary power plants shall be allowed in *Compatibility Zone D* if an alternative site outside of the zone would not serve the intended function of the facility. Structures shall be located a maximum distance from the extended runway centerline and comply with airspace protection criteria (e.g., height) set forth in Section 3.5 of this *ALUCP*.

## AIRSPACE PROTECTION COMPATIBILITY POLICIES BACKGROUND INFORMATION

### *Policy Objective*

Airspace protection compatibility policies seek to prevent creation of land use features that can pose hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident.

### *Measures of Hazards to Airspace*

Three categories of hazards to airspace are a concern: physical, visual, and electronic.

- *Physical hazards* include tall structures that have the potential to intrude upon protected airspace as well as land use features that have the potential to attract birds or other potentially hazardous wildlife to the airport area. Thermal plumes such as from power plants are also in this category.
- *Visual hazards* include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
- *Electronic hazards* are ones that may cause interference with aircraft communications or navigation.

### *Factors Considered in Setting Airspace Protection / Object Height Compatibility Policies*

The *ALUCP* airspace protection policies rely upon the regulations and standards enacted by the Federal Aviation Administration (FAA) and the State of California. The FAA has well defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. The following FAA regulations and documents, and any later versions of these documents, are specifically relevant.

- Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace* (provides standards regarding FAA notification of proposed objects and height limits of objects near airports).
- FAA Advisory Circular 150/5300-13, *Airport Design* (provides standards regarding safety-related areas in the immediate vicinity of runways).
- Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting* (sets standards for how essential marking and lighting should be designed).

These regulations and standards do not give the FAA authority to prevent the creation of hazards to flight. That authority rests with the state and *Local Agencies*. The State of California has enacted regulations enabling state and *Local Agencies* to enforce the FAA standards. The *ALUCP* policies are intended to help implement the federal and state regulations.

### *Factors Considered in Setting Airspace Protection / Wildlife Hazard Compatibility Policies*

Natural features and agricultural practices may include open water and food sources that are attractive to wildlife, especially waterfowl and other bird species. The *ALUCP* relies upon the wildlife hazard guidelines established by the FAA in the following Advisory Circulars:

- FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports* (provides guidance on types of attractants to be avoided).
- FAA Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports* (sets guidelines on proximity of these facilities to airports).

## 3.5. Airspace Protection Compatibility Policies

- 3.5.1. *Object Height Criteria:* The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, *Safe, Efficient Use and Preservation of the Navigable Airspace*. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 3.5.3, the results of that study shall be taken into account by the *ALUC*.

- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of an *Airspace Protection Surfaces* (see **Exhibit 4F** in Chapter 4). Any object that penetrates one of these surfaces is, by FAA definition, deemed an obstruction.<sup>28</sup>
  - (b) Objects not inside *Compatibility Zones A, B1, B2 and C* may be allowed to have heights that penetrate the *Airspace Protection Surfaces* under the following conditions (*all* of the following apply):
    - (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation.
    - (2) FAA or other expert analysis conducted under the auspices of the *ALUC* or the airport operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:
      - An increase in the ceiling or visibility minimums of the *Airport* for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
      - A reduction of the established operational efficiency, loadbearing capacity of an aircraft and capacity of the *Airport*, such as by causing the usable length of the runway to be reduced; or
      - Conflict with the visual flight rules (VFR), airspace used for the airport traffic pattern or en route navigation to and from the *Airport*.
    - (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study and in a manner consistent with FAA standards in effect at the time the construction is proposed.<sup>29</sup>
    - (4) An *Avigation Easement* is dedicated to the County of Lassen on behalf of the US Army, the *Airport* owner, in accordance with Policy 3.7.1.
    - (5) The proposed project/plan complies with all other policies of this *ALUCP*.
- 3.5.2. *Hazards to Flight:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall not be allowed within the *Airport Influence Area* unless the uses are consistent with FAA rules and regulations.

- (a) Specific characteristics to be avoided include:
  - (1) Sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays);
  - (2) Distracting lights that could be mistaken for airport lights;
  - (3) Sources of dust, steam, or smoke that may impair pilots' vision;
  - (4) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;
  - (5) Sources of electrical interference with aircraft communications or navigation; and

<sup>28</sup> An obstruction may or may not be a hazard. The purpose of FAA aeronautical studies is to determine whether an obstruction is a hazard and, if so, what remedy is recommended. The FAA's remedies are limited to making changes to the airspace and an airport's approach procedures, but it also can indicate an objection to proposed structures that it deems to be a hazard.

<sup>29</sup> Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later FAA guidance.

- (6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.<sup>30</sup> Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.
  - (b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, *Local Agencies* should consult with FAA officials, the California Division of Aeronautics, and Airport management.
- 3.5.3. *Requirements for FAA Notification of Proposed Construction:* Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.<sup>31</sup> The following is *ALUC* policy on this topic.
- (a) Reference to FAA notification requirements is included here for informational purposes only, not as an *ALUCP* policy.
  - (b) The *Local Agency* having jurisdiction over the project site should inform the project proponent of the requirements for notification to the FAA.
  - (c) Any proposed development project that includes construction of a structure or other object and that is required to be submitted to the *ALUC* for a consistency review in accordance with Policies 2.2.1 or 2.2.2 shall include a copy of the completed FAR Part 77 notification form (Form 7460-1) submitted to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (i.e., notice of determination letter). A proposed project may be referred to the *ALUC* in advance of the completion of the FAA aeronautical study. However, the completed aeronautical study must be forwarded to the *ALUC* when available and the *ALUC* may reconsider its previous consistency determination if the FAA study provides new information and airspace protection was a factor in the *ALUC*'s determination.
- 3.5.4. *ALUC Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *ALUC*. If the general plan of the *Local Agency* in which the *Project* is to be located has been determined by the *ALUC* to be consistent with this *ALUCP*, then no *ALUC* review is required. If the general plan has

<sup>30</sup> The FAA rules and regulations include, but are not limited to: Public Law 106-181 (Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, known as AIR 21), Section 503; 40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, Airport Safety; Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*; Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*; and any subsequent applicable FAA guidance.

<sup>31</sup> Federal Aviation Regulations (FAR) Part 77 requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of FAR Part 77, Subpart B. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. FAA notification is required under the following circumstances:

- (a) The project contains proposed structures or other objects that exceed the height standards defined in FAR Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with Paragraph 77.15. Note that notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. As presented in Chapter 4, the FAA notification airspace surface extends beyond the *Airport Influence Area* and extends upward and outward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the runway.
- (b) Any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.



not been made consistent, then the proposed *Project* must be referred to the *ALUC* for review if it qualifies as a *Major Land Use Action* (see Policy 2.2.2).

## OVERFLIGHT COMPATIBILITY POLICIES BACKGROUND INFORMATION

### *Policy Objective*

Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise exposure areas addressed by the policies in Section 3.3. Sensitivity to aircraft overflight varies from one person to another.

The policies in this section serve primarily to establish the form and requirements for notification about airport proximity and aircraft overflight to be given in conjunction with *Local Agency* approval of new *Residential Development* and with certain real estate transactions involving existing *Residential Development*. Overflight policies do not apply to *Nonresidential Development*.

### *Measures of Overflight Exposure*

The loudness and frequency of occurrence of individual aircraft noise events are key determinants of where airport proximity and aircraft overflight notification is warranted. Single-event noise levels are especially important in areas that are overflown regularly by aircraft, but that do not produce significant *CNEL* contours.

Locations underlying the airport's typical traffic patterns are considered to be within the *Airport's* overflight impact area. Areas of high terrain beneath the traffic patterns are exposed to comparatively greater noise levels, a factor that is considered in the overflight policies.

### *Factors Considered in Setting Overflight Compatibility Policies*

Factors considered in establishing overflight compatibility policies include the following:

- Unlike the function of the noise, safety, and airspace protection compatibility policies in this *ALUCP*, overflight compatibility policies do not restrict the manner in which land can be developed or used. The policies serve only to establish the form and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with *Local Agency* approval of new development and with certain real estate transactions involving existing development.
- To be most effective, overflight policies should establish notification requirements for transactions involving existing residential land uses, not just future residential development. However, the only function of the *ALUCP* with regard to *Existing Land Uses* is to define the boundaries within which *Airport Proximity Disclosure* in conjunction with real estate transactions should be provided as specified under state law. Other than setting the disclosure boundary, the policies in this section apply only to new residential development.
- State *Airport Proximity Disclosure* law applies to existing development, but not to all transactions. [California state statutes (*Business and Professional Code Section 11010* and *Civil Code Sections 1102.6, 1103.4, and 1353*) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an *Airport Influence Area*. These state requirements apply to the sale or lease of newly subdivided lands and condominium conversions and to the sale of certain existing residential property. In general, *Airport Proximity Disclosure* is required with existing residential property transfer only when certain natural conditions (earthquake, fire, or flood hazards) warrant disclosure.
- Need for continuity of notification to future property owners and tenants. To the extent that this *ALUCP* sets notification requirements for new development, notifications should be in a form that runs with the land and is provided to prospective future owners and tenants.
- To avoid inappropriateness of *Avigation Easement* dedication solely for buyer awareness purposes. *Avigation Easements* involve conveyance of property rights from the property owner to the party owning the easement and are thus best suited to locations where land use restrictions for noise, safety, or airspace protection purposes are necessary. Property rights conveyance is not needed for buyer awareness purposes.

### 3.6. Overflight Compatibility Policies

3.6.1. *Airport Proximity Disclosure*: State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an *Airport Influence Area*.<sup>32</sup> The following is *ALUC* policy on this topic.

- (a) *Airport Proximity Disclosure* shall be deemed appropriate for *all* real estate transactions (sale, lease or rental) involving residential and nonresidential property anywhere within the *Airport Influence Area*.
- (b) The disclosure shall be of a format similar to that indicated in Appendix C and shall contain the language dictated by state law.
- (c) Signs providing the notice and a map of the *Airport Influence Area* shall be prominently posted in the real estate sales office and/or other key locations at any new residential development within the *Airport Influence Area*.
- (d) Neither the *ALUC* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither have enforcement responsibilities with regard to this disclosure. The sole responsibility of *Local Agencies* with regard to *Airport Proximity Disclosure* is to recommend the boundary of the area within which the disclosure is deemed appropriate and to provide this information to local title companies, real estate agents and property owners.

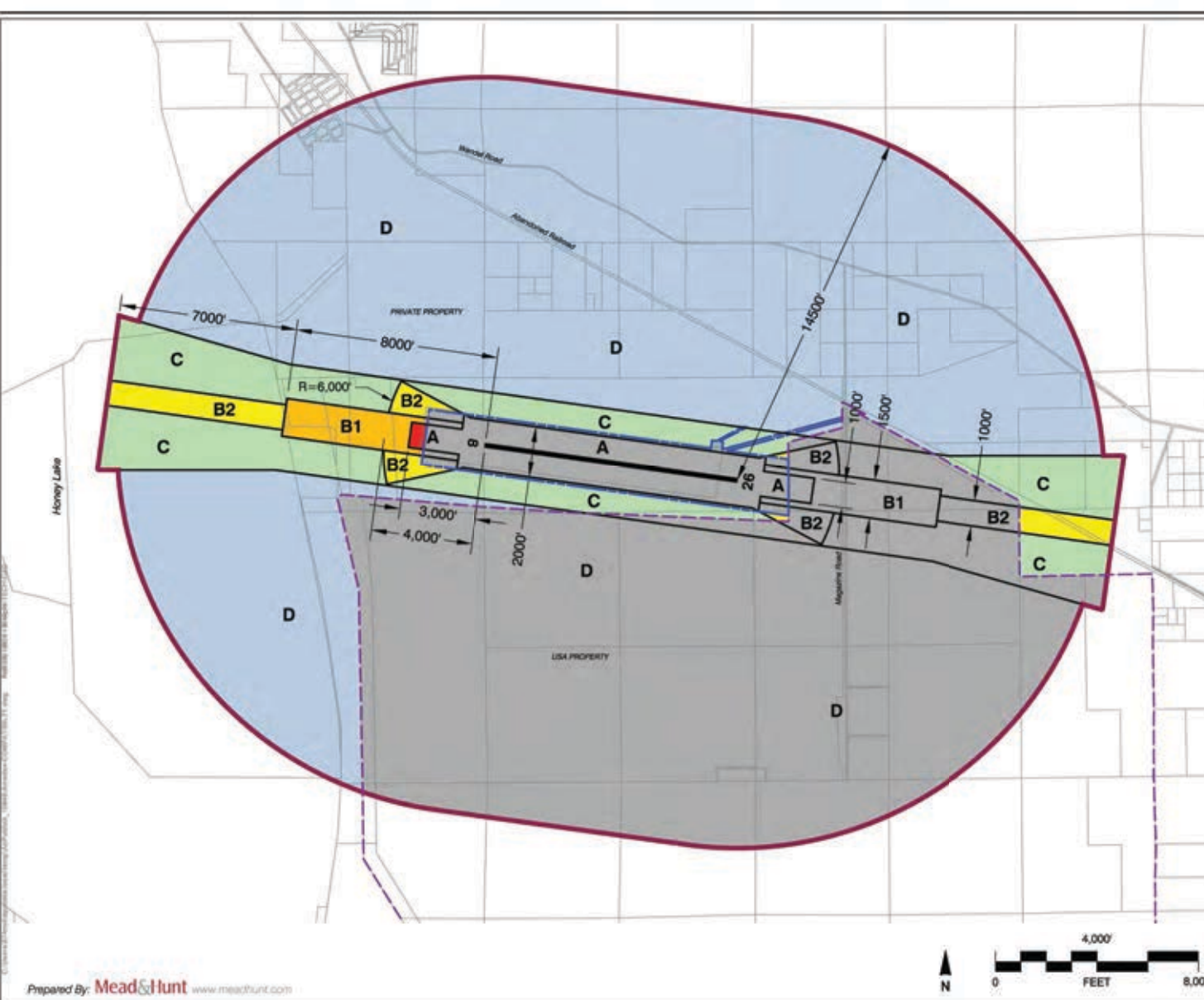
### 3.7. Criteria for Special Circumstances

3.7.1. *Avigation Easement Dedication*: As a condition for approval of projects that are subject to the review provisions of this *ALUCP* and that meet the conditions in Paragraphs (a) and (b) of this policy, the property owner shall be required to dedicate an *Avigation Easement* to the County of Lassen on behalf of the United States Army, the entity owning the *Airport*.

- (a) *Avigation Easement* dedication is required for all off-airport projects situated on a site that lies completely or partially within any of the following portions of the *Airport Influence Area*: *Compatibility Zones A, B1, B2 or C*
- (b) The *Avigation Easement* shall:
  - (1) Provide the right of flight in the airspace above the property;
  - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
  - (3) Restrict the height of structures, trees and other objects in accordance with the policies in Section 3.5 and **Exhibit 4F**, *Factors Map: Overflight and Airspace*;
  - (4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
  - (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (c) An example of an *Avigation Easement* is provided in Appendix C.

<sup>32</sup> *California Business and Professions Code Section 11010(b)* and *Civil Code Section 1353(a)* define an *Airport Influence Area* as “the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”

- 3.7.2. *Special Conditions Exception:* The policies and criteria set forth in this *ALUCP* are intended to be applicable to all locations within the *Airport Influence Area*. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. After due consideration of all the factors involved in such situations and consultation with *Airport* management, the *ALUC* may find a normally incompatible use to be acceptable.
- (a) In considering any such exceptions, the *ALUC* shall take into account the potential for the use of a building to change over time (see Policy 3.4.5). A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agency* permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria must be put in place.
  - (b) In reaching a decision, the *ALUC* shall make specific findings as to why the exception is being made and that the land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
  - (c) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or referring *Local Agency*, not with the *ALUC*.
  - (d) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
- 3.7.3. *Rare Special Events Exception:* Local agencies may make exceptions for “Conditional” or “Incompatible” land uses associated with rare special events (e.g., an air show at the airport, street fair, golf tournament) for which a facility is not designed and normally not used and for which extra precautions can be taken as appropriate.



CHAPTER **4**

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Background Data:  
Amedee Army Airfield and  
Environs

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# Background Data: Amedee Army Airfield and Environs

## INTRODUCTION

This chapter documents information regarding Amedee Army Airfield and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan (ALUCP)* for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

## AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

Amedee Army Airfield is located in the southeastern limits of Lassen County and northwest of the Sierra Army Depot. The airport is owned and operated by the United States Army. An Air Installations Compatible Use Zones (AICUZ) study does not exist for the airfield. As such, a simplified airport diagram showing existing facilities was prepared for the purposes of this ALUCP. The airport diagram was accepted by the Caltrans Division of Aeronautics in December 2015, as the basis of this *ALUCP*.<sup>1</sup>

## Airfield Configuration

The airport consists of a single runway, an aircraft parking apron and a short connecting taxiway. The runway is aligned west to east and designated Runway 8-26. Runway 8-26 is 10,000 feet long and 150 feet wide and can accommodate the largest and heaviest aircraft in the U.S. military inventory (e.g., C-5 Galaxy). A VOR-DME (very high frequency omnidirectional range navigational aid with distance measuring equipment) is located north of the runway near midfield. The VOR-DME supports two non-precision instrument approach procedures to Runway 26 (east runway end).

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<sup>1</sup> *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.



## Aircraft Activity and Forecasts

Currently the airport is a restricted use facility with only the U.S. military operating at the airfield. The Nevada Air National Guard unit based at Reno Tahoe International Airport, along with other DoD entities, currently uses Amedee Army Airfield for training. Through an agreement with the Army, the air guard practices cargo air drops using a C-130 Hercules, a four-engine turboprop aircraft. The training exercise involves making low altitude cargo drops on open areas near the airfield. The presence of the airfield enables the guard to land and retrieve their cargo.

The property immediately adjacent to the airfield is privately owned and zoned for industrial use. The County anticipates that a future airport industrial and business park will be developed on this property and some general aviation flights will be permitted to operate at the airfield on a “prior permission” basis.

The County also envisions future commercial air cargo operations at the airfield given its proximity to existing rail and highway transportation networks. Additionally, Amedee Army Airfield is approximately one hour by ground transportation from the center of Reno, Nevada. A potential new role for the Amedee Army Airfield is to serve as an alternative site for air cargo facilities that would otherwise be based at Reno Tahoe International. Comparative advantages of Amedee Army Airfield include lower land costs, absence of noise sensitive uses and lack of close-in terrain constraints.<sup>2</sup>

The forecast prepared for this ALUCP assumes a doubling of the current military operations, the establishment of an industrial and business park with daily general aviation flights, and the establishment of air cargo facilities being developed and necessitating Cessna Caravan and commercial cargo operations.

Overall, the ultimate forecast number of 7,250 is very low for an airport with a runway of this size. However, given the geographic location and restricted use of the airport, the forecast is deemed to be a realistic and conservative forecast for land use planning purposes.

## Aircraft Traffic Patterns

Prevailing winds at the airport are from west to east which results in a predominant westerly flow of traffic where aircraft arrive from the east and depart to the west using Runway 26. The airport has published left traffic to both runway ends, but in all likelihood, given the low level of activity, most operations other than touch-and-goes will continue to operate straight-in/straight-out. The Nevada Air National Guard is a frequent visitor in C-130s for training flights. Many of these training flights perform touch-and-go operations south of the Amedee Army Airfield. The airfield is used by other aircraft including C-17 and fighter aircraft for various training purposes, including touch-and-go operations.

## SURROUNDING LAND USES

Amedee Army Airfield is located in unincorporated Lassen County, northwest of the Sierra Army Depot. The nearest incorporated city, the City of Susanville, is located 30 miles to the northwest. The airport environs is characterized as sparsely developed, high desert, with open rangeland on all sides. Honey Lake is located approximately 1.5 miles west of the airfield.

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<sup>2</sup> Source: *Amedee Army Airfield Assessment*, Shutt Moen Associates (July 1998).

The unincorporated properties immediately surrounding the Amedee Army Airfield and along the eastern shore of Honey Lake are privately owned. The County's general plan map shows industrial uses in the immediate vicinity of the airfield and open space and agricultural uses to the west, east and north. An urban reserve designation applies to the Sierra Army Depot property located east and south of the airfield.

## EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

**Exhibit 4A: Airport Features Summary** – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

**Exhibit 4B: 2015 Airport Diagram** – Depicts the airport configuration and airport building area. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in December 2015.

**Exhibit 4C: Airport Activity Data Summary** – Presents existing (2015) aircraft activity data as reported by Army personnel. Forecast activity levels for the airport are estimated based on input obtained by Army personnel and County staff. The activity forecast covers the statutory requisite 20-year planning horizon.

**Exhibit 4D: Airport Environs Information** – Summarizes information about current and planned land uses in the environs of the Amedee Army Airfield. Airport land use compatibility policies contained in the County of Lassen's general plan is also summarized. Planned land uses and an aerial photo are shown in compatibility maps, Exhibit 4E and Exhibit 4F, respectively.

**Exhibits 4E and 4F: Compatibility Factors** – Depicts the extents of the four compatibility factors upon which the compatibility zones for Amedee Army Airfield were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of nearly 7,250 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft operating at Amedee Army Airfield routinely fly.
- *Safety* – Generic safety zones for a long general aviation runway as provided in the *California Airport Land Use Planning Handbook* (October 2011). Safety Zone 1 is adjusted to match the Runway Protection Zone (RPZ) specified by Federal Aviation Administration Advisory Circular 150/5300-13A, *Airport Design*, for Airport Reference Code (ARC) C-IV-5000. This ARC reflects future cargo activity by Boeing 757-200 aircraft and visibility minimums of not lower than 1 mile. AICUZ zones for a Class B runway serving high-performance and large, heavy aircraft as provided in the Department of Defense Instruction No. 4165.57, *Air Installations Compatible Use Zones (AICUZ)* are also reflected.
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulations (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.



**GENERAL INFORMATION**

- *Airport Ownership:* U.S. Army
- *Property Size:* 750 acres
- *Airport Classification*
  - Military
  - Prior permission required for civilian users
- *Airport Elevation:* 4,012 ft. MSL (estimated)

**BUILDING AREA**

- *Location*
  - Small parking apron north of Runway 26 approach end
- *Facilities*
  - Tiedowns
- *Services:* None

**RUNWAY/TAXIWAY DESIGN*****Runway 8-26***

- *Airport Reference Code:* N/A
- *Critical Aircraft:* C-5 Galaxy and Boeing 747
- *Dimensions:* 10,000 ft. long, 150 ft. wide
- *Runway Lighting:* None
- *Primary Taxiways:* Short connecting taxiway to parking apron

**AIRPORT PLANNING DOCUMENTS**

- *Air Instillation Airport Master Plan:* None
- *Airport Layout Plan:* None
- *Simplified Airport Diagram:*
  - Accepted by Caltrans Division of Aeronautics for basis of this ALUCP in December 2015

**Traffic Patterns and Approach Procedures**

- *Airplane Traffic Patterns*
  - Primary pattern: Left traffic pattern to each runway end
  - Primary direction: Landings from east; takeoffs to west
  - Pattern Altitude: None established; varies by military operation
- *FAR Part 77 Category*
  - Runway 12 & 30: Military
- *Instrument Approaches to Runway 26:*
  - RNAV (GPS): 1 mile minimum visibility and 588 ft. AGL descent height
  - VOR/DME: 1 mile minimum visibility and 608 ft. AGL descent height
- *Visual Navigational Aids*
  - Airport: Lighted beacon
  - Runway 26: PAPI

**PROPOSED FACILITY IMPROVEMENTS**

- *Airfield*
  - Restricted cargo activity anticipated by County in future
- *Building Area*
  - No building facilities planned on-Airport
  - County anticipates that proposed adjacent industrial park will have restricted access to Airport

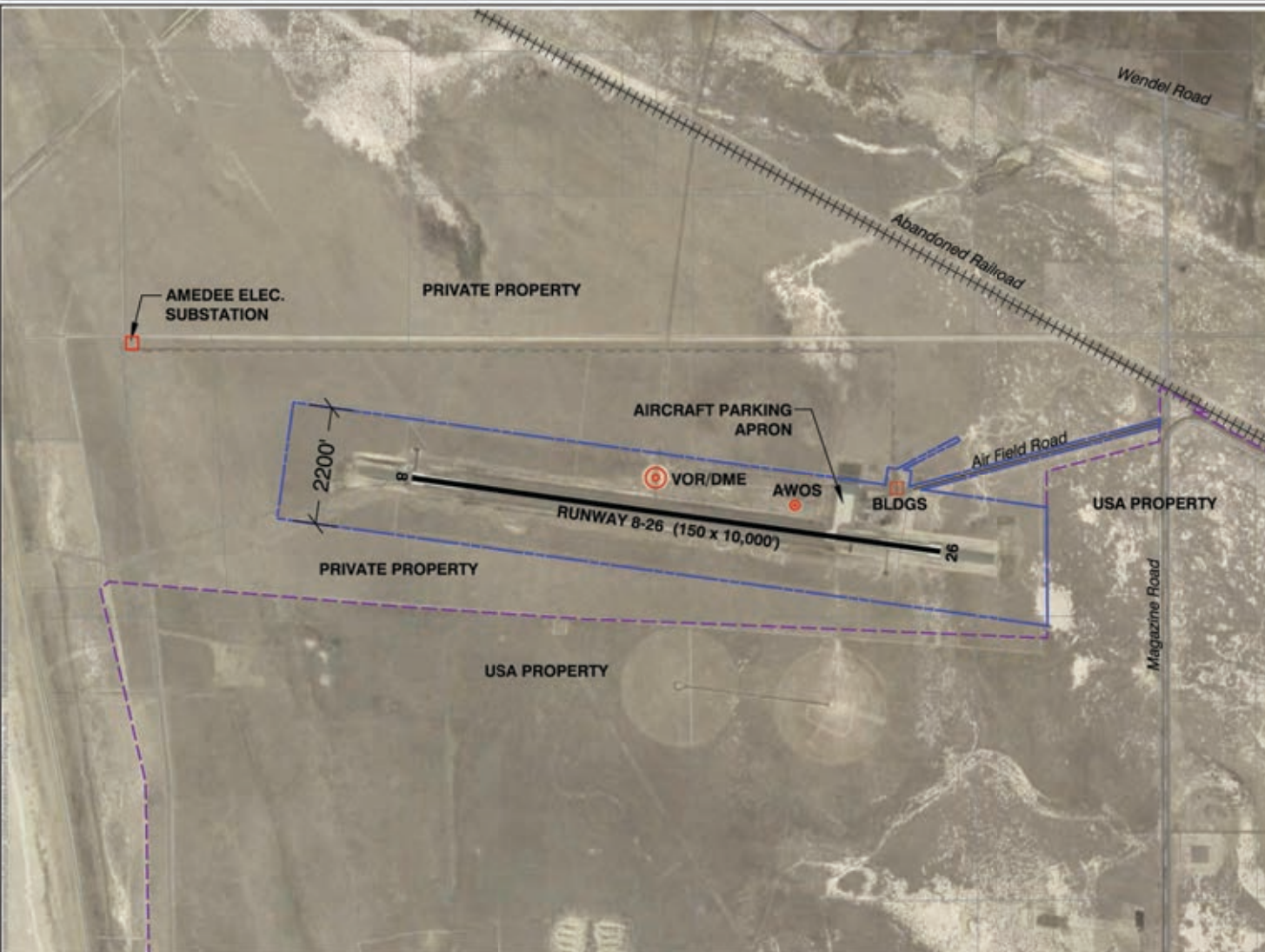
*Sources: FAA Airport Master Record (March 2015); data compiled by Mead & Hunt, Inc. June 2015*

Exhibit 4A

## Airport Features Summary

Amedee Army Airfield

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### Legend

- Boundary Lines
- Airport Property
  - Sierra Army Depot
  - Runway 8-26 (10,000 ft.)

### NOTES

1. The airfield is owned by the United States Army and operated by the Sierra Army Depot (SIAD), an active military installation.

**Amedee Army Airfield  
Land Use Compatibility Plan  
(Adopted August 11, 2016)**



**BASED AIRCRAFT**

	Current	Future
<i>Aircraft Type</i>		
Single-Engine	0	0
Multi-Engine	0	0
Business Jet	0	0
Helicopters	0	0
Other	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

**RUNWAY USE DISTRIBUTION**

	Current	Future
<i>All Aircraft</i>		
Takeoffs		
Runway 8	15%	no
Runway 26	85%	change
Landings		
Runway 8	15%	no
Runway 26	85%	change

**AIRCRAFT OPERATIONS**

	Current	Future
<i>Total</i>		
Annual	715	7,250
Average Day	2	20

*Distribution by Aircraft Type*

C-130	94%	19%
C-5A	<1%	<1%
KC-10	<1%	<1%
C-17	2%	<1%
C-31	2%	<1%
F-5	1% <1%	
GA Single-engine variable prop	0%	10%
GA Single-engine fixed prop	0%	10%
Beech Baron	0%	10%
King Air 200	0%	10%
Cessna Citation	0%	10%
Cessna Caravan	0%	20%
757-200	0%	10%
Helicopter –SH60	<1%	<1%

*Distribution by Type of Operation*

Local (incl. touch-and-goes)	25%	no
Itinerant	75%	change
*C-130 only		

**TIME OF DAY DISTRIBUTION**

	Current	Future
<i>All Aircraft</i>		
Day (7 am to 7pm)	75%	no
Evening (7 pm to 10 pm)	20%	change
Night (10 pm to 7 am)	5%	

**NOTES:**

<sup>a</sup> Current and future activity represents 2015 and 2035, respectively.

<sup>b</sup> Source: Mead & Hunt based on information provided by military personnel and assumptions documented in this chapter.

Exhibit 4C

**Airport Activity Data Summary**

Amedee Army Airfield

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**AIRPORT SITE**

- *Location*
  - Northeastern California, near the Nevada border
  - Southeastern Lassen County
  - Northeastern corner of Sierra Army Depot
  - 8 miles north of the Town of Herlong
- *Topography*
  - Located in Honey Lake Valley
  - Honey Lake approximately 1.5 miles west
  - Amedee Mountains approximately 2 miles north

**AIRPORT ENVIRONS LAND USE JURISDICTIONS**

- *County of Lassen*
  - Unincorporated lands surround Airport to north
  - Federal lands associated with Sierra Army Depot located to south and northeast
  - City of Susanville located 30 miles northwest

**EXISTING AIRPORT AREA LAND USES**

- *General Character*
  - High desert open rangeland on all sides; sparsely developed; flat or gently rolling terrain dominated by sagebrush
- *Runway Approaches*
  - Runway 8 (west): Open rangeland, Honey Lake
  - Runway 26 (east): Open rangeland, railroad spur connected to major east-west national railway system

**PLANNED AIRPORT AREA LAND USES**

- *County of Lassen*
  - Industrial immediately surrounding airfield
  - Open space and Honey Lake to west
  - Agriculture Extensive to north and east
  - Urban Reserve to east and south

**STATUS OF COMMUNITY PLANS**

- *County of Lassen*
  - Lassen County General Plan 2000 and General Plan Land Use Map adopted by the Board of Supervisors September 1999

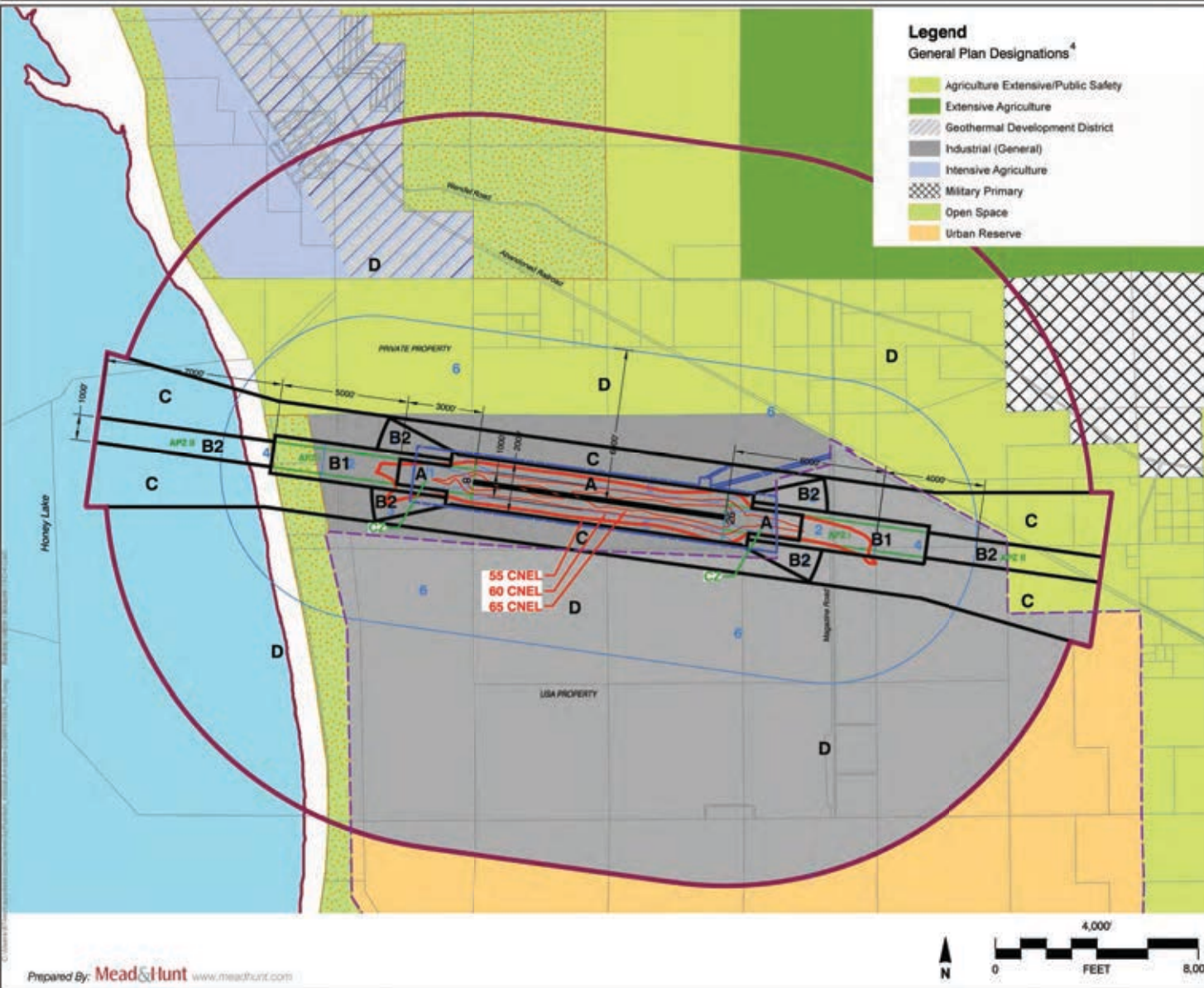
**ESTABLISHED AIRPORT COMPATIBILITY MEASURES*****Lassen County General Plan 2000***

- Prevent development that may constrain the future use and expansion of existing and future publicly-owned airports (Goal L-6)
- Discourage and, when within its jurisdiction, prevent incompatible development in the vicinity of publicly-owned airports that may present significant public safety issues and/or that could constrain the continued operation and expansion of those facilities (LU16, CE21)
- Refer to Airport Land Use Plans when considering proposed land uses around publicly-owned airports (LU-K, CE-F)

Exhibit 4D

**Airport Environs Information****Amedee Army Airfield**

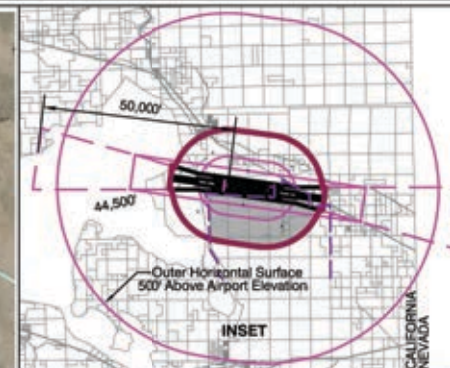
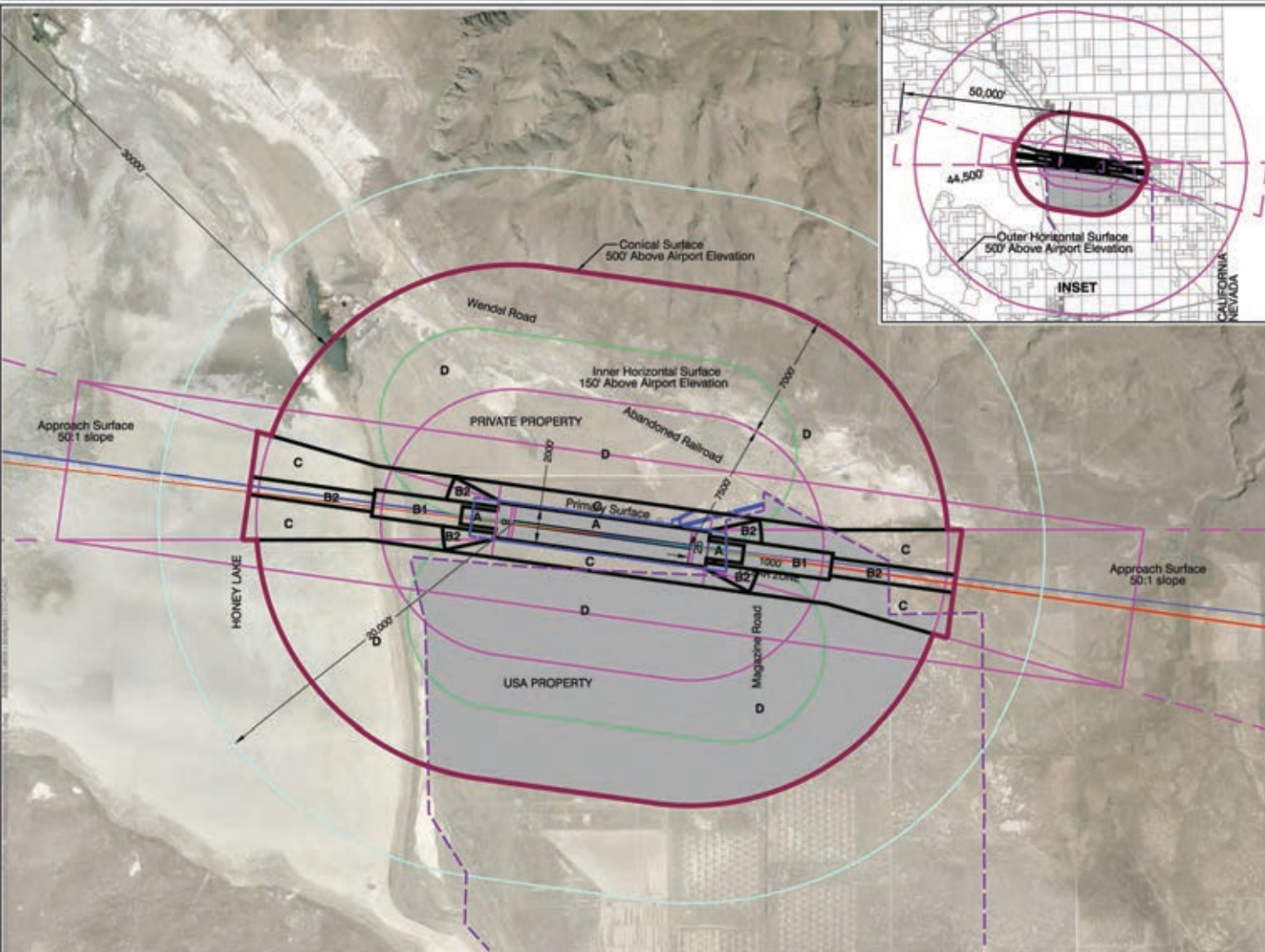




**Amedee Army Airfield  
Land Use Compatibility Plan  
(Adopted August 11, 2016)**

Exhibit 4E





### Legend

- Boundary Lines**
- Airport Property
  - Sierra Army Depot
  - Runway 8-26 (10,000 ft.)
  - Airport Influence Area (Draft)
  - Compatibility Zones (Draft)
- Airspace Factors<sup>1</sup>**
- FAA Obstruction Surfaces
  - FAA Height Notification Surface
- Aircraft Traffic Pattern<sup>2</sup>**
- Arrival
  - Departure
  - Touch and Go (Military Aircraft Only)

### Notes

- Source: Mead & Hunt (June 2015) based on FAR Part 77 standards for Department of Defense airport imaginary surfaces.
- Source: Mead & Hunt (June 2015) based on input from military personnel.
- The airfield is owned by the United States Army and operated by the Sierra Army Depot (SIAD), an active military installation.

**Amedee Army Airfield  
Land Use Compatibility Plan  
(Adopted August 11, 2016)**



# Appendices

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# State Laws Related to Airport Land Use Planning

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(as of January 2015)

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#### *Sections*

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65943 – 65945.7	Application for Development Projects .....	A-21 (excerpts referenced in State Aeronautics Act)
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## Public Resources Code

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***AERONAUTICS LAW***  
**PUBLIC UTILITIES CODE**  
**Division 9—Aviation**  
**Part 1—State Aeronautics Act**  
**Chapter 4—Airports and Air Navigation Facilities**  
**Article 3.5—Airport Land Use Commission**

**21670. Creation; Membership; Selection**

- (a) The Legislature hereby finds and declares that:
- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
  - (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and 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.
- (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:
- (1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.
  - (2) Two representing the county, appointed by the board of supervisors.
  - (3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.
  - (4) One representing the general public, appointed by the other six members of the commission.
- (c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.



- (d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.
- (e) A person having an “expertise in aviation” means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.
- (f) It is the intent of the Legislature to clarify that, for the purposes of this article 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 this article.

### **21670.1. Action by Designated Body Instead of Commission**

- (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.
- (b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.
- (c)
  - (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.
  - (2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:
    - (A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.
    - (B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.
    - (C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.
    - (D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.
    - (E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

- (3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:
  - (A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.
  - (B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.
  - (C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.
- (4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.
- (d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:
  - (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.
  - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
  - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
  - (A) The county has only one public use airport that is owned by a city.
  - (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.
  - (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

**21670.2. Application to Counties Having over 4 Million in Population**

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.
- (b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.
- (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

**21670.3 San Diego County**

- (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.
- (b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

**21670.4. Intercounty Airports**

- (a) As used in this section, “intercounty airport” means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department’s Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.
- (b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.
- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county’s two delegations, for any intercounty airport, may do either of the following:
  - (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
    - (A) One representing the cities in each of the counties, appointed by that county’s city selection committee.
    - (B) One representing each of the counties, appointed by the board of supervisors of each county.

- (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
  - (D) One representing the general public, appointed by the other six members of the commission.
- (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

## **21670.6. Court and Mediation Proceedings**

Any action brought in the superior court relating to this article may be subject to mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division I of Title 7 of the Government Code.

## **21671. Airports Owned by a City, District or County**

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

## **21671.5. Term of Office**

- (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.
- (b) Compensation, if any, shall be determined by the board of supervisors.
- (c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies, shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.
- (d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.
- (e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

- (f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.
- (g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

### **21672. Rules and Regulations**

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

### **21673. Initiation of Proceedings for Creation by Owner of Airport**

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

### **21674. Powers and Duties**

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

- (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 Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.
- (f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

### **21674.5. Training of Airport Land Use Commission's Staff**

- (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.
- (b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:
  - (1) The establishment of a process for the development and adoption of airport land use compatibility plans.
  - (2) The development of criteria for determining the airport influence area.
  - (3) The identification of essential elements that should be included in the airport land use compatibility plans.
  - (4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.
  - (5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.
- (c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
  - (1) By offering formal courses or training programs.
  - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
  - (3) By producing and making available written information.
  - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

### **21674.7. Airport Land Use Planning Handbook**

- (a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.
- (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the

authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

## **21675. Land Use Plan**

- (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan 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.
- (b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.
- (c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.
- (d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.
- (e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

### **21675.1. Adoption of Land Use Plan**

- (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.
- (b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, “vicinity” means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then “vicinity” means land within two miles of the boundary of a public airport.
- (c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

- (1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.
  - (2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.
  - (3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.
- (d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.
  - (e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.
  - (f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.
  - (g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:
    - (1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.
    - (2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

## **21675.2. Approval or Disapproval of Actions, Regulations, or Permits**

- (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.
- (b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the



public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

- (c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.
- (d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

## **21676. Review of Local General Plans**

- (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) 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 airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport

land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

- (d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

### **21676.5. Review of Local Plans**

- (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.
- (b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

### **21677. Marin County Override Provisions**

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its

governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

### **21678. Airport Owner's Immunity**

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

### **21679. Court Review**

- (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.
- (b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:
  - (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.
  - (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.
  - (3) Rescinds the action.
  - (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.
- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.
- (d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.
- (e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the

airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

- (f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

### **21679.5. Deferral of Court Review**

- (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.
- (b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.
- (c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.
- (d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

***AERONAUTICS LAW***  
**PUBLIC UTILITIES CODE**  
**Division 9, Part 1**  
**Chapter 3—Regulation of Aeronautics**  
***(excerpts)***

**21402.      Ownership; Prohibited Use of Airspace**

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

**21403.      Lawful Flight; Flight Within Airport Approach Zone**

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
  - (1) A forced landing.
  - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
  - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

***AERONAUTICS LAW*****PUBLIC UTILITIES CODE****Division 9, Part 1****Chapter 4—Airports and Air Navigation Facilities****Article 2.7—Regulation of Obstructions*****(excerpts)*****21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary**

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

**21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area**

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

**21659. Hazards Near Airports Prohibited**

- (a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of

Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

***AERONAUTICS LAW***  
**PUBLIC UTILITIES CODE**  
**Division 9, Part 1, Chapter 4**  
**Article 3—Regulation of Airports**  
*(excerpts)*

**21661.5. City Council or Board of Supervisors and ALUC Approvals**

- (a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.
- (b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

**21664.5. Amended Airport Permits; Airport Expansion Defined**

- (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
- (b) As used in this section, “airport expansion” includes any of the following:
  - (1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.
  - (2) The construction of a new runway.
  - (3) The extension or realignment of an existing runway.
  - (4) Any other expansion of the airport’s physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).
- (c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.



## ***PLANNING AND ZONING LAW***

### **GOVERNMENT CODE**

#### **Title 7—Planning and Land Use**

#### **Division 1—Planning and Zoning**

#### **Chapter 3—Local Planning**

#### **Article 5—Authority for and Scope of General Plans**

***(excerpts)***

#### **65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrence Findings**

- (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
- (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
- (c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.
- (d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

## ***PLANNING AND ZONING LAW***

### **GOVERNMENT CODE**

#### **Title 7, Division 1**

#### **Chapter 4.5—Review and Approval of Development Projects**

#### **Article 3—Application for Development Projects**

#### ***(excerpts)***

*Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.*

#### **65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion**

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

- (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.

- (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

**65943.5.**

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
  - (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
  - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), “environmental permit” has the same meaning as defined in Section 72012 of the Public Resources Code, and “environmental agency” has the same meaning as defined in Section 71011 of the Public Resources Code, except that “environmental agency” does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

**65944. Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information**

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.
- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.
- (d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a

single California mailing address within the state for the delivery of a copy of these applications. This subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

- (2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an “urbanized area.” An urbanized area is any urban location that meets the definition used by the United States Department of Commerce’s Bureau of Census for “urban” and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.
- (e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.
- (f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.
- (2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

**65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee**

- (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:
  - (1) A general plan.
  - (2) A specific plan.
  - (3) A zoning ordinance.
  - (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant’s request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice.

If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

- (b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

### **65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee**

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

### **65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency**

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

**65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial**

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

**65946. [Replaced by AB2351 Statutes of 1993]**

## ***PLANNING AND ZONING LAW***

### **GOVERNMENT CODE**

#### **Title 7, Division 1**

#### **Chapter 9.3—Mediation and Resolution of Land Use Disputes**

***(excerpts)***

#### **66030.**

- (a) The Legislature finds and declares all of the following:
- (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
  - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
  - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

#### **66031.**

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
- (1) The approval or denial by a public agency of any development project.
  - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
  - (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
  - (4) Fees determined pursuant to Chapter 6 (commencing with Section 17620) of Division 1 of Part 10.5 of the Education Code or Chapter 4.9 (commencing with Section 65995).

- (5) Fees determined pursuant to the Mitigation Fee Act (Chapter 5 (commencing with Section 66000) ), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).
- (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
- (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).
- (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
- (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
- (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
- (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
  - (1) The council of governments having jurisdiction in the county where the dispute arose.
  - (2) Any subregional or countywide council of governments in the county where the dispute arose.
  - (3) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.
- (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.



## ***PLANNING AND ZONING LAW***

### **GOVERNMENT CODE**

#### **Title 7—Planning and Land Use**

#### **Division 2—Subdivisions**

#### **Chapter 3—Procedure**

#### **Article 3—Review of Tentative Map by Other Agencies**

***(excerpts)***

#### **66455.9.**

Whenever there is consideration of an area within a development for a public school site, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

## EDUCATION CODE

### Title 1—General Education Code Provisions

#### Division 1—General Education Code Provisions

#### Part 10.5—School Facilities

#### Chapter 1—School Sites

#### Article 1—General Provisions

*(excerpts)*

#### 17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition or lease for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.
- (c) The Department of Transportation shall investigate the site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.
- (e) If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition or lease of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.
- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

**EDUCATION CODE**  
**Title 3—Postsecondary Education**  
**Division 7—Community Colleges**  
**Part 49—Community Colleges, Education Facilities**  
**Chapter 1—School Sites**  
**Article 2—School Sites**  
*(excerpts)*

**81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity**

- (c) To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors, in lieu of notifying the Division of Aeronautics, shall notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency any information or assistance it may desire to give.

The board of governors shall investigate the proposed site and, within 35 working days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

- (d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to that community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building

construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the district lies shall be expended for those purposes; However, this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to those sites.

If the recommendation of the Division of Aeronautics is unfavorable, the recommendation shall not be overruled without the express approval of the board of governors and the State Allocation Board.

## ***CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES***

### **PUBLIC RESOURCES CODE**

#### **Division 13—Environmental Quality**

#### **Chapter 2.6—General**

***(excerpts)***

#### **21096. Airport Planning**

- (a) If a lead agency prepares an environmental impact report for a project situated within airport land use compatibility plan boundaries, or, if an airport land use compatibility plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.
- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

**BUSINESS AND PROFESSIONS CODE**  
**Division 4—Real Estate**  
**Part 2—Regulation of Transactions**  
**Chapter 1—Subdivided Lands**  
**Article 2—Investigation, Regulation and Report**  
*(excerpts)*

**11010.**

- (a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Bureau of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the bureau.
- (b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:  
[Sub-Sections (1) through (12) omitted]
- (13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:
  - (B) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

**CIVIL CODE**  
**Division 2—Property**  
**Part 4—Acquisition of Property**  
**Title 4—Transfer**  
**Chapter 2—Transfer of Real Property**  
**Article 1.7—Disclosure of Natural Hazards Upon Transfer of Residential Property**  
*(excerpts)*

**1103.**

- (a) Except as provided in Section 1103.1, this article applies to the transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.
- (b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).
- (c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent is required by one or more of the following to disclose the property's location within a hazard zone:
  - (1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:
    - (A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
    - (B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.
  - (2) ... is located within an area of potential flooding ... shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding ...
  - (3) ... is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code ... shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 ...

- (4) ... is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone ...
  - (5) ... is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone ...
  - (6) ... is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 ...
- (d) Any waiver of the requirements of this article is void as against public policy.

### 1103.1.

- (a) This article does not apply to the following transfers:
- (1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
  - (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.
  - (3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
  - (4) Transfers from one coowner to one or more other coowners.
  - (5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
  - (6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.
  - (7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.
  - (8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.
  - (9) Transfers or exchanges to or from any governmental entity.
- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9,



2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

### **1103.2.**

- (a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: [content omitted].
- (b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

[Sub-Sections (c) through (h) omitted]

[Section 1103.3 omitted]

### **1103.4.**

- (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.
  - (1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

## NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

[Remainder of Article 1.7 omitted]

**CIVIL CODE**  
**Division 4**  
**Part 5—Common Interest Developments**  
**Chapter 3—Governing Documents**  
**Article 2—Declaration**  
*(excerpts)*

**4250.**

- (a) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes.
- (b) The declaration may contain any other matters the declarant or the members consider appropriate.

**4250.**

- (a) If property common interest development is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

**NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- (b) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.
- (c) [Omitted]
- (d) The statement in a declaration acknowledging that a property is located in an airport influence area ... does not constitute a title defect, lien, or encumbrance.

**4260.**

Except to the extent that a declaration provides by its express terms that it is not amendable, in whole or in part, a declaration that fails to include provisions permitting its amendment at all times during its existence may be amended at any time.

**LEGISLATIVE HISTORY SUMMARY<sup>1</sup>****PUBLIC UTILITIES CODE****Sections 21670 et seq.*****Airport Land Use Commission Statutes  
And Related Statutes***

- 1967 Original ALUC statute enacted.
- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
  - The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:
- Require ALUCs to prepare comprehensive land use plans.
  - Require such plans to include a long-range plan and to reflect the airport’s forecast growth during the next 20 years.
  - Require ALUC review of airport construction plans (Section 21661.5).
  - Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973 ALUCs are permitted to establish compatibility plans for military airports.
- 1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:
- More clearly articulate the purpose of ALUCs.
  - Eliminate reference to “achieve by zoning.”
  - Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
  - Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC’s plan.
  - Require that local agencies make findings of fact before overriding an ALUC decision.
  - Change the vote required for an override from 4/5 to 2/3.
- 1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:
- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
  - Limit amendments to compatibility plans to once per year.
  - Allow individual projects to continue to be referred to the ALUC by agreement.
  - Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

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<sup>1</sup> Source: California Airport Land Use Planning Handbook (October 2011)

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.
- 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:
  - Require that a designated body serving as an ALUC include two members having “expertise in aviation.”
  - Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
  - Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.
- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—
  - Sets a requirement that comprehensive land use plans be completed by June 1991.
  - Establishes a method for compelling ALUCs to act on matters submitted for review.
  - Allows ALUCs to charge fees for review of projects.
  - Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—
  - Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
  - Allows ALUCs to continue to charge fees under these circumstances.
  - Fees may be charged only until June 30, 1992, if plans are not completed by then.
- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)
- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.

- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.
- 2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority’s responsibility for airport planning within San Diego County.
- 2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term “comprehensive land use plan” to “airport land use compatibility plan.”
- 2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.
- 2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.
- 2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.
- Adds that prior to granting building construction permits, local agencies shall be guided by the criteria established in the Airport Land Use Planning Handbook and any related federal aviation regulations to the extent that the criteria has been incorporated into their airport land use compatibility plan.
- 2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term “comprehensive land use plan” and replacing it with “airport land use compatibility plan.” Also replaces the terms “planning area” and “study area” with “airport influence area.”
- 2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site within two miles of an airport. Also makes these provisions applicable to charter schools.
- 2007 Senate Bill 10 (Kehoe) Chapter 287, Statutes of 2007—The San Diego County Regional Airport Authority Reform Act of 2007. Restructures the airport authority established in 2001 by AB 93 (Wayne), with a set of goals related to governance, accountability, planning and operations at San Diego International Airport.

- 2009 Assembly Bill 45 (Blakeslee) Chapter 404, Statutes of 2009—Requires small wind energy systems installed near airports to comply with all applicable Federal Aviation Administration requirements, including Subpart B of Part 77. These systems are not allowed to locate in vicinity of an airport if they are prohibited by a comprehensive land use plan or any implementing regulations adopted by an Airport Land Use Commission.
- 2010 Senate Bill 1333 (Yee) Chapter 329, Statutes of 2010—If a local government requires dedication of an avigation easement to the owner or operator of the airport as a condition of approval of a noise-sensitive project, the avigation easement must be granted prior to the issuance of the building permit. Also requires that a termination clause be included in the avigation easement if the project is not built or the permit has expired or been revoked.
- 2012 Assembly Bill 805 (Torres) Chapter 180, Statutes of 2012—Recodifies the Common Interest Development Act which requires a recorded disclosure statement if a common interest development is located within an airport influence area.
- 2012 Assembly Bill 1486 (Lara) Chapter 690, Statutes of 2012—Exempts from CEQA the design, construction and maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS). However, any new antenna would be required to comply with applicable state and federal height restrictions and any height limits established by an applicable airport land use compatibility plan.
- 2013 Assembly Bill 1058 (Chávez) Chapter 83, Statutes of 2013—Modifies the process by which directors are appointed to the San Diego County Regional Airport Authority; the entity responsible for preparing, adopting and amending airport land use compatibility plans for each airport in San Diego County.
- 2013 Assembly Bill 758 (Block) Chapter 606, Statutes of 2013—Provides the City of Coronado with 540 days, instead of the standard 180 days, of any amendment to the airport land use compatibility plan to amend its general plan and any applicable specific plan.

## General Plan Consistency

State law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan.<sup>1</sup> A local agency may achieve consistency by addressing compatibility planning issues in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.
- **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- **Adopt ALUCP as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the ALUCP. Changes to the community's existing general plan would be minimal. Policy reference to the separate ALUCP document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.
- **Adopt Airport Combining District or Overlay Zoning Ordinance**—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the ALUCP as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Table B1.)

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<sup>1</sup> *Government Code Section 65302.3(b).*



An airport compatibility combining zoning ordinance might include some or all of the following components:

- **Airspace Protection**—A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of the Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- **FAA Notification Requirements**—Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of FAR Part 77. Subpart B of the regulations requires that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in Part 77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- **State Regulation of Obstructions**—State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by FAR Part 77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).
- **Designation of High Noise-Impact Areas**—California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to ensure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- **Maximum Densities/Intensities**—Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- **Open Areas for Emergency Landing of Aircraft**—In most circumstances in which an accident involving a small aircraft occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, airport compatibility plans often contain criteria requiring a certain amount of open land near airports. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land.
- **Areas of Special Compatibility Concern**—A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]
- **Real Estate Disclosure Policies**—The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport combining zone ordinance.

Table B1

## Sample Airport Combining Zone Components

The checklist provided below is intended to assist local agencies with modifications necessary to make their local plans and other local policies consistent with the ALUCP. It is also designed to facilitate ALUC reviews of these local plans and policies.

## REVIEW PROCEDURES

In addition to incorporation of ALUC compatibility criteria, local agency implementing documents must specify the manner in which development proposals will be reviewed for consistency with the compatibility criteria.

- ☐ **Actions Always Required to be Submitted for ALUC Review**—PUC Section 21676 identifies the types of actions that must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the local agency's intent to comply with the state statute.
- ☐ **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, ALUCPs may identify certain major land use actions for which referral to the ALUC is dependent upon agreement between the local agency and ALUC. If the local agency fully complies with all of the items in this general plan consistency checklist or has taken the necessary steps to overrule the ALUC, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the ALUC is mandatory. Local policies should indicate the local agency's intentions in this regard.
- ☐ **Process for Compatibility Reviews by Local Jurisdictions**—If a local agency chooses to submit only the mandatory actions for ALUC review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- ☐ **Variance Procedures**—Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance that involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the ALUCP must be referred to the ALUC for review.
- ☐ **Enforcement**—Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees. An airport combining district zoning ordinance is one means of implementing enforcement requirements.

## COMPATIBILITY CRITERIA

### General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the ALUCP.

- ☐ **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.
  - Residential densities (dwelling units per acre) should not exceed the set limits.
  - Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
  - No new land uses of a type listed as specifically prohibited should be shown within affected areas.
- ☐ **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent ALUCP criteria. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is sometimes judged to be more objectionable than other types of equally loud noises).

Table B2

## General Plan Consistency Checklist

**COMPATIBILITY CRITERIA, CONTINUED****Zoning or Other Policy Documents**

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance.

- ☐ **Identification of Prohibited Uses**—ALUCPs may prohibit schools, day care centers, assisted living centers, hospitals, and other uses within a majority of an airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations.
- ☐ **Intensity Limitations on Nonresidential Uses**—ALUCPs may establish limits on the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the ALUCP. Alternatively, ALUCs may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- ☐ **Open Land Requirements**—ALUCP requirements, if any, for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land should also be established
- ☐ **Height Limitations and Other Hazards to Flight**—To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon FAR Part 77. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- ☐ **Buyer Awareness Measures**—Besides disclosure rules already required by state law, as a condition for approval of development within certain compatibility zones, some ALUCPs require either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local agency policies must contain similar requirements.
- ☐ **Infill Development**—If an ALUCP contains infill policies and a jurisdiction wishes to take advantage of them, the lands that meet the qualifications must be shown on a map.
- ☐ **Nonconforming Uses and Reconstruction**—Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the ALUCP, if any.

Table B2, continued

## Sample Buyer Awareness Documents

Samples documents intended to help implement the ALUCP policies are included in this appendix.

### Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. The policies of this ALUCP include each of these measures.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). This ALUCP requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specific easement dedication requirements are set forth in Chapter 3. A sample of a standard avigation easement is included in Table D2.
- **Airport Proximity Disclosure**—A less definitive, but more all-encompassing, form of buyer awareness measure is for the ALUC and local jurisdictions to establish a policy indicating that information about an airport's influence area should be disclosed to prospective buyers, lessees and renters of all airport-vicinity properties prior to transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

#### NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

## TYPICAL AVIGATION EASEMENT

### Airport Name

This indenture made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between \_\_\_\_\_ hereinafter referred to as Grantor, and the County of \_\_\_\_\_, a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as \_\_\_\_\_ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the Airport Name official airport elevation of \_\_\_\_ feet Above Mean Sea Level (AMSL), as determined by the Airport Layout Plan, the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and
- (2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and
- (3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and
- (4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and
- (5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

**Table C1**

## Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of \_\_\_\_\_ for the direct benefit of the real property constituting the Airport Name hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted. If Grantor fails to comply with the foregoing obligations within ten (10) days after Grantee gives written notice of violation to Grantor by depositing said notice in the United States mail, Grantee may enter the above-described real property for the purposes described in subparagraphs (3) and/or (4), above, and charge Grantor for the cost thereof.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Airport Name, in the County of \_\_\_\_\_, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the Airport Name, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said Airport Name is the dominant tenement.

DATED:

STATE OF

}

ss

COUNTY OF

}

On \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State personally appeared \_\_\_\_\_, and \_\_\_\_\_ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

*Source: Modified from California Airport Land Use Planning Handbook (October 2011)*

Table C1, continued

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## Methods for Determining Concentrations of People

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### INTRODUCTION

The underlying safety compatibility criterion employed in this ALUCP is “usage intensity”—the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum intensity, it is considered incompatible and thus inconsistent with compatibility planning policies. The usage intensity concept is identified in the *California Airport Land Use Planning Handbook* as the measure best suited for assessment of land use safety compatibility with airports. The *Handbook* is published by the California Department of Transportation, Division of Aeronautics is required under state law to be used as a guide in preparation of airport land use compatibility plans.

It is recognized, though, that “people per acre” is not a common measure in other facets of land use planning. This appendix therefore provides examples on how to count people as a means of implementing the usage intensity criteria on the local level.

### COUNTING PEOPLE

The most difficult part about calculating a use’s intensity is estimating the number of people expected to use a particular facility under normal circumstances. All people—not just employees, but also customers and visitors—who may be on the property at a single point in time, whether indoors or outside, must be counted. The only exceptions are for rare special events, such as an air show at an airport, for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

Ideally, the actual number of people for which the facility is designed would be known. For example, the number of seats in a proposed movie theater can be determined with high accuracy once the theater size is decided. Other buildings, though, may be built as a shell and the eventual number of occupants not known until a specific tenant is found. Furthermore, even then, the number of occupants can change in the future as tenants change. Even greater uncertainty is involved with relatively open uses not having fixed seating—retail stores or sports parks, for example.

Absent clearly measurable occupancy numbers, other sources must be relied upon to estimate the number of people in a proposed development.

### Survey of Similar Uses

A survey of similar uses already in existence is one option. Gathering data in this manner can be time-consuming and costly, however. Also, unless the survey sample is sufficiently large and conducted at various times, inconsistent numbers may result. Except for uncommon uses for which occupancy levels cannot be estimated through other means, surveys are most appropriate as supplemental information.



Maximum Occupancy

A second option for estimating the number of people who will be on a site is to rely upon data indicating the maximum occupancy of a building measured in terms of Occupancy Load Factor—the number of square feet per occupant. The number of people on the site, assuming limited outdoor or peripheral uses, can be calculated by dividing the total floor area of a proposed use by the Occupancy Load Factor. The challenge of this methodology lies in establishing realistic figures for square feet per occupant. The number varies greatly from one use to another and, for some uses, has changed over time as well.

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table B1 indicates the Occupancy Load Factors for various types of uses. The CBC, though, is intended primarily for purposes of structural design and fire safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building’s gross square footage. Surveys of actual Occupancy Load Factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data provides typical square footage per *employee*. This information is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The numbers also do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site. The following are selected examples of square footage per *employee* gathered from a variety of sources.

- Call centers 150 – 175
- Typical offices 180 – 250
- Law, finance, real estate offices 300 – 325
- Research & development, light industry 300 – 500
- Health services 500

Table D2 below indicates the Adjusted Occupancy Load Factor for various land uses. These occupancy levels were initially derived from the CBC, but were adjusted based upon additional research from both local and national sources. The adjusted occupancy load factors are intended to better correlate the anticipated intensity of various land uses.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking space requirements can be correlated with occupancy numbers only where nearly all users arrive by private vehicle

rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

Both of the critical ratios associated with this methodology—parking spaces to building size and occupants to vehicles—vary from one jurisdiction to another even for the same types of uses. Research of local ordinances and other sources, though, indicates that the following ratios are typical.

✍ **Parking Space Ratios**—These examples of required parking space requirements are typical of those found in ordinances adopted by urban and suburban jurisdictions. The numbers are ratios of spaces required per 1,000 square feet of gross floor area. Gross floor area is normally measured to the outside surfaces of a building and includes all floor levels as well as stairways, elevators, storage, and mechanical rooms.

▪ Small Restaurants	10.0
▪ Medical Offices	4.0 – 5.7
▪ Shopping Centers	4.0 – 5.0
▪ Health Clubs	3.3 – 5.0
▪ Business Professional Offices	3.3 – 4.0
▪ Retail Stores	3.0 – 3.5
▪ Research & Development	2.5 – 4.0
▪ Manufacturing	2.0 – 2.5
▪ Furniture, Building Supply Stores	0.7 – 1.0

✍ **Vehicle Occupancy**—Data indicating the average number of people occupying each vehicle parking at a particular business or other land use can be found in various transportation surveys. The numbers vary both from one community or region to another and over time, thus current local data is best if available. The following data represent typical vehicle occupancy for different trip purposes.

▪ Work	1.05 – 1.2
▪ Education	1.2 – 2.0
▪ Medical	1.5 – 1.7
▪ Shopping	1.5 – 1.8
▪ Dining, Social, Recreational	1.7 – 2.3

## USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

### Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 3 of this *ALUCP* are measured in terms of the average intensity over the entire project site.

The average intensity is calculated by dividing the total number of people on the site by the site size. A 10-acre site expected to be occupied by as many as 1,000 people at a time, thus would have an average intensity of 100 people per acre. The site size equals the total size of the parcel or parcels to be developed.

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *ALUCP* to determine whether the proposal is consistent or inconsistent with the policies.

### **Comparison with Parking Space Requirements**

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the Occupancy Load Factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each vehicle is assumed to be occupied by 1.1 persons, the equivalent Occupancy Load Factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry. Additionally, when compared to the Occupancy Load Factor of 1 person per 215 square feet listed for offices uses in the *Basic Compatibility Criteria* table, the calculation using parking space requirements results in a slightly higher, more conservative Occupancy Load Factor (i.e., yields a lower usage intensity).

Function of Space	Floor area per occupant (sq. ft.)
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats	
Concentrated (chairs only-not fixed)	15 net
Standing space	5 net
Unconcentrated (tables and chairs)	7 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms-other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient treatment areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Laboratory	
Educational	50 net
Laboratories, non-educational	100 net
Laboratory suite	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mercantile	
Areas on other floors	60 gross
Basement and grade floor areas	30 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

Source: California Building Code (2007), Table 1004.1.1

Table D1

## CBC Occupancy Load Factors

Land Use Category	Occupancy Load Factor * (approx. square feet per person)
Adult Education classroom space <i>Adult schools, colleges, universities</i>	40
Community Libraries	100
Eating/Drinking Establishments <i>Restaurants, fast-food dining, bars</i>	60
Indoor Large Assembly Facilities (capacity 300 to 999 people) <i>Movie theaters, places of worship, cemetery chapels, mortuaries</i>	15
Indoor Recreation <i>Gymnasiums, club houses, athletic clubs, dance studios</i>	60
Indoor Storage <i>Wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses</i>	1,000
Light Industrial, High Intensity <i>Food products preparation, electronic equipment</i>	200
Light Industrial, Low Intensity <i>Machine shops, wood products, auto repair</i>	350
Limited Retail/Wholesale <i>Furniture, automobiles, heavy equipment, lumber yards, nurseries</i>	250
Local Retail <i>Community/neighborhood shopping centers, grocery stores</i>	170
Major Retail <i>Regional shopping centers, 'big box' retail</i>	110
Offices <i>Professional services, doctors, finance, civic; radio, television &amp; recording studios, office space related to other types of land uses</i>	215
Out-Patient Medical <i>Health care centers, clinics</i>	240
Personal & Miscellaneous Services <i>Barbers, car washes, print shops</i>	200
Research & Development	300
Short-Term Lodging ( $\leq 30$ nights) <i>Hotels, motels, other transient lodging (except conference/assembly facilities)</i>	200
* Occupancy Load Factors are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category.	

Table D2

## Adjusted Occupancy Load Factors

**Example 1**

*Proposed Development:* Two office buildings, each two stories and containing 20,000 square feet of floor area per building. Site size is 3.0 net acres. Counting a portion of the adjacent road, the gross area of the site is 3.5± acres.

**A. Calculation Based on Parking Space Requirements**

For office uses, assume that a county or city parking ordinance requires 1 parking space for every 300 square feet of floor area. Data from traffic studies or other sources can be used to estimate the average vehicle occupancy. For the purposes of this example, the typical vehicle occupancy is assumed to equal 1.5 people per vehicle.

The average usage intensity would therefore be calculated as follows:

- 1) 40,000 sq. ft. floor area x 1.0 parking space per 300 sq. ft. = 134 required parking spaces
- 2) 134 parking spaces x 1.5 people per space = 201 people maximum on site
- 3) 201 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

**B. Calculation Based on Uniform Building Code**

Using the UBC (Table D1) as the basis for estimating building occupancy yields the following results for the above example:

- 1) 40,000 sq. ft. bldg. ÷ 100 sq. ft./occupant = 400 people max. bldg. occupancy (under UBC)
- 2) 400 max. bldg. occupancy x 50% adjustment = 200 people maximum on site
- 3) 200 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

**C. Calculation of Single Acre Intensity**

Assuming that occupancy of each building is relatively equal throughout, but that there is some separation between the buildings and outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

- 1) 20,000 sq. ft. bldg. ÷ 2 stories = 10,000 sq. ft. bldg. footprint
- 2) 10,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.23 acre bldg. footprint
- 3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 100 people per single acre (i.e., 200 people max. on site ÷ 2 bldgs.)

*Conclusions:* In this instance, both methodologies yield the same results. The 57 people per average acre and the 100 people per single acre results must be compared with the intensity limits provided in the Basic Compatibility Criteria table in Chapter 3. The proposed use would meet the maximum and single-acre intensity criteria for all *Compatibility Zones*, except *Zones A* (0 people per acre) and *B1* (25 people per acre on average; 50 people per single-acre) and possibly *Zone B2* (50 people per acre on average; 150 people per single-acre).

Table D3

**Sample People-Per-Acre Calculations**

## Example 2

*Proposed Development:* Single-floor furniture store containing 24,000 square feet of floor area on a site of 2.0 gross acres and the net acreage (less internal roadways) is 1.7 acres.

### A. Calculation Based on Parking Space Requirements

For furniture stores, assume that a county or city parking ordinance requires 1 parking space per 1,500 square feet of use area. Assuming 1.5 people per automobile results in the following intensity estimates:

The average usage intensity would be:

- 1) 24,000 sq. ft. bldg. x 1.0 parking space per 1,500 sq. ft. = 16 required parking spaces
- 2) 16 parking spaces x 1.5 people per space = 24 people maximum on site
- 3) 24 people ÷ 2.0 acres gross site size = 12 people per acre average for the site

### B. Calculation Based on Uniform Building Code

For the purposes of the UBC-based methodology, the furniture store is assumed to consist of 50% retail sales floor (at 30 square feet per occupant) and 50% warehouse (at 500 square feet per occupant). Usage intensities would therefore be estimated as follows:

- 1) 12,000 sq. ft. retail floor area ÷ 30 sq. ft./occupant = 400 people max. occupancy in retail area
- 2) 12,000 sq. ft. warehouse floor area ÷ 500 sq. ft./occupant = 24 people max. occupancy in warehouse area
- 3) Maximum occupancy under UBC assumptions = 400 + 24 = 424 people
- 4) Assuming typical peak occupancy is 50% of UBC numbers = 212 people maximum on site
- 5) 212 people ÷ 2.0 acres = 106 people per acre average for the site

### C. Calculation for Single Acre Intensity

With respect to the single-acre intensity criteria, the entire building occupancy would again be within less than 1.0 acre, thus yielding the same intensity of 24 or 212 people per single acre.

Again assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

- 1) 24,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.55 acre bldg. footprint
- 3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 24 or 212 people per single acre under parking space or UBC methodology, respectively

*Conclusions:* In this instance, the two methods produce very different results. The occupancy estimate of 30 square feet per person is undoubtedly low for a furniture store even after the 50% adjustment. On the other hand, the 12 people-per-acre estimate using the parking requirement methodology appears low, but is probably closer to being realistic. Unless better data is available from surveys of similar uses, this proposal should reasonably be considered compatible within most *Compatibility Zones*, except *Zones A* and *B1* and possibly *Zone B2*.

Table D3, continued

## Compatibility Guidelines for Specific Land Uses

The compatibility evaluations listed below for specific types of land uses can be used by affected jurisdictions as guidelines in implementation of the general compatibility criteria listed in Table 3A. These evaluations are not regarded as adopted ALUC policies or criteria. In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 3 of this *ALUCP*, the contents of Chapter 3 shall prevail.

Land Use Category <sup>1</sup>	Compatibility Zone					Suggested Criteria for Conditional Uses
	A	B1	B2	C	D	
<ul style="list-style-type: none"> <li>Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</li> <li>Occupancy Load Factors (square feet/person) cited for certain land uses <sup>2</sup></li> </ul>						<ul style="list-style-type: none"> <li>Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone</li> </ul>
<b>Max. Site-wide Average Intensity (people/acre)</b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>Applicable to all nonresidential development</i> <sup>3</sup>	0	25	50	100	200	
	0	50	150	300	800	
<i>Outdoor Uses (limited or no activities in buildings)</i>						
Natural Land Areas: woods, brush lands, desert						Objects above runway elevation not allowed in OFA <sup>6</sup>
Water: flood plains, wetlands, lakes, reservoirs						All: Avoid new features that attract more birds
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land						All: Ensure airspace obstruction does not occur; avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables						B1, B2, C: Avoid uses that attract birds
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos						
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas						D: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges						D: Avoid if intended for noise-sensitive uses; ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds						D: Allowed only if alternative site outside zone would not serve intended function, ensure intensity criteria met
Camping: campgrounds, recreational vehicle/motor home parks						D: Ensure intensity criteria met
Cemeteries (except chapels)						
<i>Residential and Lodging Uses</i>						
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns						D: Maximum 1 d.u./20 acres All: Construction of single-family home, secondary dwelling unit or farmworker housing allowed on legal residential or agricultural parcel
Multi-Family Residential						

Table E-1

## Land Use Compatibility Matrix



Land Use Category <sup>1</sup>	Compatibility Zone					Suggested Criteria for Conditional Uses
	A	B1	B2	C	D	
<ul style="list-style-type: none"> <li>Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</li> <li>Occupancy Load Factors (square feet/person) cited for certain land uses <sup>2</sup></li> </ul>						<ul style="list-style-type: none"> <li>Conditions listed below applicable to uses listed as “Conditional” (yellow) for a particular zone</li> </ul>
<b>Max. Sitewide Average Intensity (people/acre)</b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>Applicable to all nonresidential development</i> <sup>3</sup>	0 0	25 50	50 150	100 300	200 800	
Long-Term Lodging (> 30 nights): extended-stay hotels, dormitories						
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]						D: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities						D: Ensure intensity criteria met
<b>Educational and Institutional Uses</b>						
Family day care homes (≤ 14 children)						All: Allowed in dwellings permitted by ALUCP
Children’s Schools: K-12, day care centers (> 14 children); school libraries						
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]						C, D: Ensure intensity criteria met
Community Libraries [approx. 100 s.f./person]						D: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥ 1,000 people): auditoriums, conference centers, concert halls, indoor arenas						
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]						D: Ensure intensity criteria met
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]						D: Ensure intensity criteria met
In-Patient Medical: hospitals, mental hospitals						D: Ensure intensity criteria met
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]						D: Ensure intensity criteria met
Penal Institutions: prisons, reformatories						D: Ensure intensity criteria met
Public Safety Facilities: police, fire stations						C: Locate max. distance from extended runway centerline C, D: Ensure intensity criteria met
<b>Commercial, Office, and Service Uses</b>						
Major Retail: regional shopping centers, ‘big box’ retail [approx. 110 s.f./person]						D: Ensure intensity criteria met
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]						D: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]						D: Ensure intensity criteria met

Land Use Category <sup>1</sup>	Compatibility Zone					Suggested Criteria for Conditional Uses
	A	B1	B2	C	D	
<ul style="list-style-type: none"> <li>Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</li> <li>Occupancy Load Factors (square feet/person) cited for certain land uses <sup>2</sup></li> </ul>						<ul style="list-style-type: none"> <li>Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone</li> </ul>
<b>Max. Sitewide Average Intensity (people/acre)</b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>Applicable to all nonresidential development</i> <sup>3</sup>	0 0	25 50	50 150	100 300	200 800	
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]						C: Place buildings outside of zone or max. distance from extended runway centerline where feasible C, D: Ensure intensity criteria met
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]						C: Place buildings outside of zone or max. distance from extended runway centerline where feasible C, D: Ensure intensity criteria met
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]						D: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking & transportation terminals						B1, B2, C: Ensure intensity criteria met; no aboveground bulk storage of hazardous materials (see Policy 3.4.6(b)); permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
<b>Industrial, Manufacturing, and Storage Uses</b>						
Hazardous Materials Production: oil refineries, chemical plants						
Heavy Industrial						C, D: Ensure intensity criteria met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]						C, D: Ensure intensity criteria met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]						B1, B2, C, D: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research & Development [approx. 300 s.f./person]						C, D: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]						B1, B2: Ensure intensity criteria are met

Land Use Category <sup>1</sup>	Compatibility Zone					Suggested Criteria for Conditional Uses
	A	B1	B2	C	D	
<ul style="list-style-type: none"> <li>Land Use Acceptability Legend for Green, Yellow, and Red provided on last page of this table</li> <li>Occupancy Load Factors (square feet/person) cited for certain land uses <sup>2</sup></li> </ul>						<ul style="list-style-type: none"> <li>Conditions listed below applicable to uses listed as "Conditional" (yellow) for a particular zone</li> </ul>
<b>Max. Sitewide Average Intensity (people/acre)</b> <b>Max. Single-Acre Intensity (people/acre)</b> <i>Applicable to all nonresidential development</i> <sup>3</sup>	0 0	25 50	50 150	100 300	200 800	
Outdoor Storage: public works yards, automobile dismantling						
Mining & Extraction						
<i>Transportation, Communication, and Utilities</i>						
Airport Terminals: airline, general aviation						
Rail & Bus Stations						
Transportation Routes: road & rail rights-of-way, bus stops						
Auto Parking: surface lots, structures						
Communications Facilities: emergency communications, broadcast & cell towers						C, D: Locate max. distance from extended runway centerline and avoid features that may create an airspace hazard
Power Plants						C, D: Locate max. distance from extended runway centerline and avoid features that may create an airspace hazard
Electrical Substations						C, D: Locate max. distance from extended runway centerline and avoid features that may create an airspace hazard
Wastewater Facilities: treatment, disposal						C, D: Avoid new features that may attract birds
Solid Waste Disposal Facilities: landfill, incineration						
Solid Waste Transfer Facilities, Recycle Centers						D: Avoid new features that may attract birds

Land Use Acceptability		Interpretation/Comments
	<i>Normally Compatible</i>	Normal examples of the use are compatible with noise, safety, and airspace protection criteria. Atypical examples may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.
	<i>Conditional</i>	Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.
	<i>Incompatible</i>	Use should not be permitted under any circumstances.
Notes		
<sup>1</sup> Land uses not specifically listed may be evaluated using the criteria for similar uses. Multiple land use categories and compatibility criteria may apply to a project. <sup>2</sup> Occupancy Load Factors (square feet / person) are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category. Assumed occupancy levels can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use. <sup>3</sup> Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. Local agencies may make exceptions for rare special events (e.g., an air show at the airport, golf tournament) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.		

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## Glossary of Terms

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**Above Ground Level (AGL):** An elevation datum given in feet above ground level.

**Air Carriers:** The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

**Aircraft Accident:** An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- Engine failure, damage limited to an engine, bent fairings or cowlings, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

**Aircraft Incident:** A mishap associated with the operation of an aircraft in which neither fatal nor serious injuries nor substantial damage to the aircraft occurs.

**Aircraft Mishap:** The collective term for an aircraft accident or an incident.

**Aircraft Operation:** The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

**Airport:** An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities if any. (FAR 1)

**Airport Elevation:** The highest point of an airport's useable runways, measured in feet above mean sea level. (AIM)

**Airport Land Use Commission (ALUC):** A commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

**Airport Layout Plan (ALP):** A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

**Airport Master Plan (AMP):** A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

**Airport Reference Code (ARC):** A coding system used to relate airport design criteria to the operation and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

**Airports, Classes of:** For the purposes of issuing a Site Approval Permit, The California Department of Transportation, Division of Aeronautics classifies airports into the following categories: (CCR)

- *Agricultural Airport or Heliport:* An airport restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 operators).
- *Emergency Medical Services (EMS) Landing Site:* A site used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near a medical facility and
  - (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and
  - (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and
  - (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and
  - (4) is used only for emergency medical purposes.
- *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock or breakwater, used in the support of petroleum exploration or production.
- *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and occasional invited guests.
- *Public-Use Airport:* An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
- *Seaplane Landing Site:* An area of water used, or intended for use, for landing and takeoff of seaplanes.
- *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public service operations, and/or personal use.
- *Temporary Helicopter Landing Site:* A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
  - (1) is used or intended to be used for less than one year, except for recurrent annual events and
  - (2) is not marked or lighted to be distinguishable as a heliport and
  - (3) is not used exclusively for helicopter operations.

**Ambient Noise Level:** The level of noise that is all encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

**Approach Protection Easement:** A form of easement that both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

**Approach Speed:** The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

**Aviation-Related Use:** Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.

**Avigation Easement:** A type of easement that typically conveys the following rights:

- A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
- A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
- A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

**Based Aircraft:** Aircraft stationed at an airport on a long-term basis.

**California Environmental Quality Act (CEQA):** Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines that may adversely affect the environment.

**Ceiling:** Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

**Circling Approach/Circle-to-Land Maneuver:** A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

**Combining District:** A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

**Commercial Activities:** Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

**Commercial Operator:** A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)



**Community Noise Equivalent Level (CNEL):** The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

**Compatibility Plan:** As used herein, a plan, usually adopted by an Airport Land Use Commission that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

**Controlled Airspace:** Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

**Day-Night Average Sound Level (DNL):** The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is  $L_{dn}$ .

**Decibel (dB):** A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

**Deed Notice:** A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

**Designated Body:** A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

**Displaced Threshold:** A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

**Dwelling Unit:** Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. (HUD)

**Easement:** A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

**Equivalent Sound Level ( $L_{eq}$ ):** The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

**Federal Aviation Regulations (FAR) Part 77:** The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions. FAR Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. A copy of the regulations is available at [www.ecfr.gov](http://www.ecfr.gov).

**FAR Part 77 Surfaces:** Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

**Federal Aviation Administration (FAA):** The U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

**Federal Aviation Regulations (FAR):** Regulations formally issued by the FAA to regulate air commerce.

**Findings:** Legally relevant subconclusions that expose a government agency's mode of analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

**Fixed Base Operator (FBO):** A business that operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

**General Aviation:** That portion of civil aviation that encompasses all facets of aviation except air carriers. (FAA Stats)

**Glide Slope:** An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

**Global Positioning System (GPS):** A navigational system that utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

**Helipad:** A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

**Heliport:** A facility used for operating, basing, housing, and maintaining helicopters. (HAI)

**Infill:** Development that takes place on vacant property largely surrounded by existing development, especially development that is similar in character.

**Instrument Approach Procedure:** A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

**Instrument Flight Rules (IFR):** Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

**Instrument Landing System (ILS):** A precision instrument approach system that normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

**Instrument Operation:** An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

**Instrument Runway:** A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

**Inverse Condemnation:** An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

**Land Use Density:** A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

**Land Use Intensity:** A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.

**Large Airplane:** An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

**Localizer (LOC):** The component of an ILS that provides course guidance to the runway. (AIM)

**Mean Sea Level (MSL):** An elevation datum given in feet from mean sea level.

**Minimum Descent Altitude (MDA):** The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

**Missed Approach:** A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

**National Transportation Safety Board (NTSB):** The U.S. government agency responsible for investigating transportation accidents and incidents.

**Navigational Aid (Navaid):** Any visual or electronic device airborne or on the surface that provides point-to-point guidance information or position data to aircraft in flight. (AIM)

**Noise Contours:** Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

**Noise Level Reduction (NLR):** A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

**Nonconforming Use:** An existing land use that does not conform to subsequently adopted or amended zoning or other land use development standards.

**Nonprecision Approach Procedure:** A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

**Nonprecision Instrument Runway:** A runway with an approved or planned straight-in instrument approach procedure that has no existing or planned precision instrument approach procedure. (Airport Design AC)

**Obstruction:** Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceed the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

**Overflight:** Any distinctly visible and/or audible passage of an aircraft in flight, not necessarily directly overhead.

**Overflight Easement:** An easement that describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

**Overflight Zone:** The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

**Overlay Zone:** See *Combining District*.

**Planning Area Boundary:** An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

**Precision Approach Procedure:** A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

**Precision Instrument Runway:** A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

**Referral Area:** The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

**Runway Protection Zone (RPZ):** An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

**Safety Zone:** For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

**Secondary Dwelling Unit:** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. (California Department of Housing and Community Development)

**Single-Event Noise:** As used in herein, the noise from an individual aircraft operation or overflight.

**Single Event Noise Exposure Level (SENEL):** A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a refer-

ence duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

**Site Approval Permit:** A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

**Small Airplane:** An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

**Sound Exposure Level (SEL):** A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

**Straight-In Instrument Approach:** An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

**Structure:** Something that is constructed or erected.

**Taking:** Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

**Terminal Instrument Procedures (TERPS):** Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

**Threshold:** The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

**Touch-and-Go:** An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

**Traffic Pattern:** The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

**Visual Approach:** An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

**Visual Flight Rules (VFR):** Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

**Visual Runway:** A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

**Zoning:** A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Require-

ments vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

## **Glossary Sources**

**FAR 1:** Federal Aviation Regulations Part 1, Definitions and Abbreviations

**AIM:** Aeronautical Information Manual

**Airport Design AC:** Federal Aviation Administration, *Airport Design* Advisory Circular 150/5300-13

**CCR:** California Code of Regulations, Title 21, Section 3525 et seq., *Division of Aeronautics*

**FAA ATA:** Federal Aviation Administration, *Air Traffic Activity*

**FAA Stats:** Federal Aviation Administration, *Statistical Handbook of Aviation*

**HAI:** Helicopter Association International

**NTSB:** National Transportation and Safety Board