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# Basic Airport Land Use Commission Policies

## 2.1 CHAPTER OVERVIEW

2.1.1 Purpose: The policies set forth in this chapter and Chapter 3 of this Compatibility Plan serve two functions:

- (a) To articulate the procedures to be used by SBCAG, acting in its capacity as the Santa Barbara County ALUC, and affected local agencies to fulfill the airport land use compatibility review requirements set forth in the Aeronautics Act (Pub. Util. Code §21670 et seq.). Specifically, these procedures define:
  - (1) The steps to be taken by local agencies, specifically, the County of Santa Barbara, Cities of Goleta, Lompoc, Santa Barbara, and Santa Maria, special districts, school districts, and community college districts, in submitting certain land use actions to the ALUC for review in accordance with Policies 2.6.1 and 2.6.2 of this Compatibility Plan.
  - (2) The steps to be taken by the Cities of Santa Barbara, Santa Maria Public Airport District, County of Santa Barbara, Vandenberg Air Force Base, City of Lompoc and the Zannon family, as operators of the Airports, in submitting airport master plans and other certain airport-related plans to the ALUC for review in accordance with Policies 2.6.1(b) and 2.6.1(c) of this Compatibility Plan.
  - (3) The process, as stated in Policies 2.7 through 2.10 of this Compatibility Plan, to be used by the ALUC in reviewing the above actions for compliance with the compatibility criteria set forth in this Compatibility Plan.
- (b) To identify compatibility criteria to be utilized by:
  - (1) The ALUC in review of land use actions within the Airports' AIA and airport master plans and other development plans for the Airports.
  - (2) Local agencies in modifying their respective general plans for consistency with this Compatibility Plan.

- 2.1.2 Relationship to Chapter 3 Policies: The policies in this chapter address ALUC review procedures and overarching compatibility considerations. Compatibility criteria and other policies applicable to the Airports are set forth in Chapter 3. For purposes of this Compatibility Plan, as listed in Policy 2.1.1 above, adherence to the policies in both chapters is required.

## 2.2 DEFINITIONS

The following defined terms are used throughout this Compatibility Plan. The local agencies may have adopted alternative definitions for some of the terms presented below. However, for purposes of this Compatibility Plan, the terms shall be defined as presented below.

- 2.2.1 Aeronautics Act: Except as indicated otherwise, Article 3.5 of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- 2.2.2 Air Installation Compatible Use Zone (AICUZ): The AICUZ program is a discretionary program implemented by the U.S. Department of Defense in order to promote compatible land use around military airfields. The purpose of the AICUZ program is to protect the operational capabilities of military air fields and the health, safety, and welfare of adjacent communities. An AICUZ study for an individual military airfield, among other things, provides recommendations for achieving land use compatibility with respect to aircraft accident potential, noise, height restrictions, and any additional local considerations. The study also includes graphics showing noise contours and accident potential zones overlaid on a vicinity map. AICUZ studies, which are advisory in nature, are prepared by the responsible military branch (e.g., Air Force). However, Public Utilities Code section 21675, subdivision (b), requires this Compatibility Plan to be "consistent with the safety and noise standards" in the AICUZ prepared for Vandenberg Air Force Base.
- 2.2.3 Airports: This Compatibility Plan addresses land use compatibility in the vicinity of the following Airports within SBCAG's jurisdiction – Santa Barbara Airport, Santa Maria Public Airport, Lompoc Airport, Santa Ynez Valley Airport, Vandenberg Airfield (at Vandenberg Air Force Base), and New Cuyama Airport.
- 2.2.4 Airport Influence Area (AIA): The AIA defines the jurisdiction of the ALUC and is the area where airport-related noise, safety, airspace protection, and overflight factors may significantly affect land use compatibility or necessitate restrictions on certain land uses as determined by the ALUC. Land use actions that affect property within the AIA are subject to the compatibility policies and criteria in this Compatibility Plan. If a residential property is located within the AIA, a real estate disclosure must be provided as a condition of the sale or transfer of the property.

- 2.2.5 Airport Layout Plan: 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.
- 2.2.6 Airport Master Plan: A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based, consistent with the requirements of FAA Advisory Circular 150/5070-6B (Airport Master Plans)
- 2.2.7 Airspace Protection Area: The area beneath the airspace protection surfaces, as depicted on **Exhibits III-3** in Chapter 3.
- 2.2.8 Airspace Protection Surfaces: Imaginary surfaces in the airspace surrounding airports, as defined for an individual airport in accordance with criteria set forth in 14 Code of Federal Regulations Part 77 and the U.S. Standard for Terminal Instrument Procedures (TERPS). 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 an airport.
- 2.2.9 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.
- 2.2.10 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 protection areas defined by the FAA, together with aircraft aprons, hangars, fixed-base operations facilities, terminal buildings, and related facilities.
- 2.2.11 Avigation Easement: An easement that transfers certain property right from a property owner to an airport owner. Generally, an avigation easement provides the right of flight in the airspace above the property, allows the generation of noise and other impacts associated with aircraft overflight, restricts the height of structures, trees and other objects, permits access to the property for the removal or aeronautical marking of objects exceeding the established height limit and prohibits electrical interference, glare, and other potential hazards to flight from being created on the property.
- 2.2.12 Based Aircraft: Aircraft stationed at an airport on a long-term basis.
- 2.2.13 California Building Code (CBC): The CBC is located in Title 24, Part 2, of the California Code of Regulations and governs general building construction standards in California.

- 2.2.14 California Environmental Quality Act (CEQA): Statutory framework adopted to maintain a quality environment for the people of the State now and in the future. CEQA establishes a process for State and local agency review of projects, as defined in the implementing CEQA Guidelines, which may adversely affect the environment (Pub. Resources Code §2100 et seq.; 14 Cal. Code Regs. §15000 et seq.).
- 2.2.15 Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for land use planning and describing airport noise impacts. This noise metric compensates for the increase in people's sensitivity to noise during evening and nighttime hours. Community Noise Equivalent Levels are typically depicted on maps by a set of contours, each of which represents a series of points having the same CNEL value.
- 2.2.16 Compatibility Plan: This document, the Santa Barbara County Airport Land Use Compatibility Plan, also referred to as "this Compatibility Plan."
- 2.2.17 Compatible Use District (CUD): A term within the AICUZ for an area that possesses a distinct range of noise levels and specific accident potential and is considered to be the building block for compatible land use.
- 2.2.18 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.
- 2.2.19 Development Proposal: See Project.
- 2.2.20 Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway.
- 2.2.21 Division of Aeronautics: The California Department of Transportation, Division of Aeronautics.
- 2.2.22 Existing Land Use: A land use is considered "existing" when it has been determined that the land use has obtained a "vested right" by one of the following means:
- (a) A vesting tentative map has been approved pursuant to California Government Code section 66498.1, and has not expired; or
  - (b) A development agreement has been executed pursuant to California Government Code section 65866, and remains in effect; or

- (c) A valid building permit has been issued, substantial work has been performed, and substantial liabilities have been incurred in good faith reliance on the permit, pursuant to the California Supreme Court decision in Avco Community Developers, Inc. v. South Coast Regional Com. (1976) 17 Cal.3d 785,791, and its progeny.

Note that a proposed modification to an existing land use that will result in an increase in height, a change of use, or an increase in density or intensity of use that is not in substantial conformance with the project entitled by the local agency shall be subject to this Compatibility Plan (see Policy 2.10.4).

Additionally, any proposed re-use or re-initiation of an existing land use, even if the reuse/re-initiation of the existing land use will not modify the previously existing land use, will be subject to this Compatibility Plan if the previously existing land use has been discontinued for more than 24 months.

- 2.2.23 Federal Aviation Administration: The U.S. government agency that is responsible for ensuring the safe and efficient use of the nation's airports and airspace.
- 2.2.24 Federal Aviation Regulations: Regulations formally issued by the FAA to regulate air commerce.
- 2.2.25 General Aviation: The portion of civil aviation that encompasses all facets of aviation except air carriers.
- 2.2.26 General Plan: For this Compatibility Plan, this term means any adopted general plan, community plan, or specific plan, zoning ordinance, building regulation, land use policy document, or implementing ordinance or any change thereto, and any amendment thereto (see Pub. Util. Code §21676 and Policy 2.9).
- 2.2.27 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.
- 2.2.28 Handbook: The California Airport Land Use Planning Handbook, published by the Division of Aeronautics (October 2011).
- 2.2.29 High Terrain Zone: Areas of land in the vicinity of an airport where the ground lies above a Part 77 surface. In addition, any location where the ground level reaches to within 100 feet of an instrument approach or departure surface defined by U.S. Standard for Terminal Instrument Procedures (TERPS).

- 2.2.30 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
- 2.2.31 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.
- 2.2.32 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.
- 2.2.33 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.
- 2.2.34 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.
- 2.2.35 Land Use Action: See Project.
- 2.2.36 Land Use Density: A measure of the concentration of land use development in an area. The term is commonly used with respect to residential development and refers to the number of dwelling units per acre.
- 2.2.37 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 occupying the land use.
- 2.2.38 Local agency: For this Compatibility Plan, the County of Santa Barbara, the Cities of Goleta, Lompoc, Santa Barbara, and Santa Maria, and other local governmental entities, such as special districts, school districts, and community college districts, having jurisdiction over land uses within the AIA defined in this Compatibility Plan. These entities are subject to the provisions of this Compatibility Plan; the ALUC does not have authority over land use actions of federal agencies or Indian tribes.
- 2.2.39 Lot Coverage: The ratio between the ground floor area of a building (or buildings) and the area of a lot/parcel.

- 2.2.40 Navigation 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.
- 2.2.41 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.
- 2.2.42 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.
- 2.2.43 Noise Sensitive Land Uses: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events.
- 2.2.44 Nonconforming Use: An existing land use or building that does not comply with this Compatibility Plan (see Policy 2.11.2 for criteria applicable to land use actions involving nonconforming uses).
- 2.2.45 Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided.
- 2.2.46 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.
- 2.2.47 Object-Free Area: An area on the ground, measured from a runway, taxiway, or taxi lane centerline, which is provided to safeguard aircraft operations by having the area free of objects, except for objects that are needed for air navigation or aircraft ground maneuvering purposes (see FAA Advisory Circular 150/5300-13, "Airport Design").
- 2.2.48 Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards established in Subpart C of 14 CFR Part 77, *Objects Affecting Navigable Airspace*.
- 2.2.49 Overflight: Any distinctly visible or audible passage of an aircraft in flight, not necessarily directly overhead.
- 2.2.50 Overflight Notification: An overflight notification is a buyer awareness tool designed to ensure that prospective buyers of property near an airport, particularly residential property, are informed about the airport's potential impact on the property. An overflight notification is recorded in the property's chain of title and indicates that the property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (such as noise, vibration, overflights, or odors). Unlike an aviation easement, an overflight notification does not convey property rights from the property owner to the airport and does not restrict the height of

objects. It simply documents the existence of conditions that may affect the property for the purpose of notifying the property owner.

- 2.2.51 **Part 77:** The part of the Federal Aviation Regulations (Title 14 of the Code of Federal Regulations) that deals with objects affecting navigable airspace in the vicinity of airports. 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 (see Appendix B).
- 2.2.52 **Permit:** See Project.
- 2.2.53 **Precision Instrument Runway:** A runway with an existing or planned precision instrument approach procedure.
- 2.2.54 **Project:** Any land use matter, either publicly or privately sponsored, that is subject to the provisions of this Compatibility Plan. A land use matter is subject to this Compatibility Plan, if it requires any action, regulation, or permit (see Pub. Util. Code §21676.5).
- 2.2.55 **Real Estate Disclosure:** A real estate disclosure is required by State law as a condition of the sale of most residential property, if the property is located in the vicinity of an airport and within its AIA (see Bus. & Prof. Code §11010; Civ. Code §§1102.6, 1103.4, 1353). The disclosure notifies the prospective purchaser of potential annoyances or inconveniences associated with airport operations prior to completing the purchase. Unlike the aviation easement and overflight notification, the real estate disclosure is not recorded in the chain of title. Typically, a real estate disclosure is provided at the real estate sales or leasing offices.
- 2.2.56 **Redevelopment:** Development of a new use (not necessarily a new type of use) to replace an existing use at a density or intensity that may vary from the existing use. Redevelopment projects are subject to the provisions of this Compatibility Plan to the same extent as other forms of proposed development (see Policy 2.6.2(c)).
- 2.2.57 **Review Area:** The area around an airport defined by the airport influence
- 2.2.58 **Runway Protection Zone:** An area immediately off the end of a civilian airport runway. Runway protection zones have the greatest potential for aircraft accidents and should remain undeveloped.
- 2.2.59 **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.

- 2.2.60 Santa Barbara County Airport Land Use Commission (ALUC): The Santa Barbara County Association of Governments, acting in its capacity as the Santa Barbara County Airport Land Use Commission.
- 2.2.61 Santa Barbara County Association of Governments (SBCAG): The ALUC for the County of Santa Barbara.
- 2.2.62 Sensitive Land Uses: Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by aircraft operations and require special protection from hazards (e.g., potential aircraft accidents) because of, for example, the low effective mobility of occupants or the presence of hazardous materials. The most common types of sensitive land uses include residential neighborhoods, hospitals, nursing facilities, intermediate care facilities, educational facilities, outdoor assembly uses, libraries, museums, places of worship, and child-care facilities.
- 2.2.63 Single Event Noise: As used herein, the noise from an individual aircraft operation or overflight.
- 2.2.64 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-line landing or made to straight-in landing weather minimums.
- 2.2.65 Touch and Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway.
- 2.2.66 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.
- 2.2.67 U.S. Standard for Terminal Instrument Procedures (TERPS): Standardized criteria adopted by the FAA, U.S. military branches, and the U.S. Coast Guard for designing airport area and en route instrument flight procedures. The criteria are predicated on normal aircraft operations for considering obstacle clearance requirements.
- 2.2.68 Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.
- 2.2.69 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.

2.2.70 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. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance includes a map and the text of the regulations.

## 2.3 APPLICABILITY AND EFFECTIVE DATE

2.3.1 Plan Adoption: The policies in this Compatibility Plan shall become effective on the date that the ALUC adopts this Compatibility Plan.

- (a) The adopted Santa Barbara County Airport Land Use Plan (reprinted in October 1993) for the Airports shall remain in effect until adoption by the ALUC of this Compatibility Plan, and shall again become effective if the entirety of this Compatibility Plan should be rendered invalid by court action.
- (b) If any portion of this Compatibility Plan should be invalidated by court action, it shall not invalidate the portions of this Compatibility Plan that are not invalidated by the court action.

2.3.2 Applicability to Projects Not Yet Completed: The compatibility policies, if any, that will be used to perform a consistency review for a proposed project, and any subsequent implementing action(s) associated with that project, shall be determined according to the following, as provided in Paragraphs (a) through (f) below. In no instance, however, shall the ALUC apply any Compatibility Plan rules, regulations, and policies to any land use action, or to any subsequent discretionary or ministerial implementing permit or action for that project, that are inconsistent with the provisions of Part 77 and the California Airport Noise Regulations (21 Cal. Code Reg. §5000 et seq.).

- (a) Airport Plans: Notwithstanding any provision of this Section, the ALUC shall apply the Compatibility Plan's rules, regulations, and policies to any land use action, and any subsequent discretionary or ministerial implementing permit or action for that project, that have been approved based upon:
  - (1) An airport master plan, or amendments or modifications to an airport master plan (Pub. Util. Code §21676(c)); or
  - (2) Any airport expansion project that requires amendment of the Airport Permit issued by the Division of Aeronautics, including the construction of a new runway, the extension or realignment of an existing runway, the acquisition of runway protection zones, or the acquisition of any interest in land for the purpose of any airport expansion project (Pub.

Util. Code §21664.5), that has been submitted to the ALUC for review by the Airport operator.

- (b) **General Plan Consistent with Prior ALUCP:** A project, and any subsequent implementing action(s) for that project, that is located within an area in which the local agency has modified its General Plan to be consistent with the compatibility plan in effect prior to approval of this Compatibility Plan, or within an area in which a local agency has taken the special steps necessary to overrule the prior compatibility plan, shall not be subject to ALUC review under this Compatibility Plan, provided that the local agency:
- (1) Has deemed the project application to be complete prior to the effective date of this Compatibility Plan;
  - (2) The project is consistent with the local agency's ALUC-approved General Plan (or the local agency has overruled the prior compatibility plan); and
  - (3) The project and any subsequent implementing land use action(s) have not changed in a substantive manner that would potentially invalidate any original approval of the project by the local agency and require a subsequent review, as determined by the local agency and the ALUC based on the criteria provided in Policy 2.10.4.
- (c) **General Plan Not Consistent with Prior ALUCP:** A project that is within the AIA defined in this Compatibility Plan and is not an existing land use, and any subsequent implementing action(s) for that project, that is located within an area in which a local agency has not modified its General Plan to be consistent with the compatibility plan in effect prior to approval of this Compatibility Plan, or taken the special steps necessary to overrule the prior compatibility plan, shall be submitted to the ALUC to be reviewed in accordance with the compatibility plan in effect at the time the application is deemed complete by the ALUC.
- (d) **Subsequent Review of Project(s) Found Consistent:** A project previously reviewed by the ALUC and found to be consistent with the compatibility plan in effect at the time of the project review shall not be subject to further review under a subsequently adopted compatibility plan unless the project changes in a substantive manner at any point—as determined by the local agency or by the ALUC when the ALUC concludes that further review is warranted based on criteria provided in Policy 2.10.4(b)—that potentially would invalidate the original ALUC consistency findings.
- (1) Any project requiring subsequent ALUC review will be evaluated using the ALUCP in effect at the time the resubmittal application is deemed complete by the ALUC.
  - (2) Any project requiring subsequent ALUC review need not be resubmitted for ALUC review if, prior to resubmittal, the General Plan of the local agency in which the project is situated has been reviewed by the ALUC and found to be consistent with this

Compatibility Plan and the revised project is consistent with that ALUC-approved General Plan.

- (e) ALUC Review Not Required: A project application that was deemed complete by the local agency prior to the effective date of this Compatibility Plan, and which did not require ALUC review because it was located beyond the boundary of the AIA defined by the compatibility plan in place at the time the application was deemed complete, shall not require subsequent ALUC review under this Compatibility Plan unless the project changes in a substantive manner (see Policy 2.10.4(b)).

## 2.4 TYPES OF AIRPORT IMPACTS

2.4.1 Principal Compatibility Concerns: As established by State law (Pub. Util. Code §21670), the ALUC has the responsibility both "to provide for the orderly development of airports" and "to prevent the creation of new noise and safety problems." ALUC policies thus have the dual objectives of: (1) protecting against constraints on airport expansion and operations that can result from encroachment of incompatible land uses, and (2) minimizing the public's exposure to excessive noise and safety hazards.

- (a) To meet these objectives, this Compatibility Plan addresses potential airport compatibility impacts related to four specific airport-related factors/layers;
  - (1) Noise—Exposure to aircraft noise
  - (2) Safety—Land use that affects safety both for people on the ground and in aircraft
  - (3) Airspace Protection—Protection of airport airspace
  - (4) Overflight—Annoyance and other general concerns related to aircraft overflights
- (b) Compatibility policies concerning each of these factors/layers are enumerated in Chapter 3. Each factor/layer is addressed separately. Proposed land use actions must comply with the compatibility policies and maps for each compatibility factor/layer, as well as all other policies in this Compatibility Plan.

2.4.2 Policy Objectives: For each compatibility factor/layer, specific policy objectives are as follows:

- (a) Noise: The purpose of noise compatibility policies is to avoid the establishment of new incompatible land uses and exposure of the users to levels of aircraft noise that can disrupt the activities involved. The characteristics of the Airport and the surrounding community are taken into account in determining the level of noise deemed acceptable for each type of land use.

- (b) **Safety:** The purpose of safety compatibility policies is to minimize the risks of an off-airport aircraft accident or emergency landing. Risks to people and property on the ground in the vicinity of the Airport and to people on board aircraft are considered.
- (c) **Airspace Protection:** The purpose of airspace protection compatibility policies is to ensure that structures and other uses of the land do not cause hazards to aircraft in flight within the Airport vicinity. Hazards to flight include, but are not limited to:
  - (1) Physical obstructions to the navigable airspace
  - (2) Wildlife hazards, particularly bird strikes
    - (Sanitary landfills and sewer systems, wetlands, stormwater management facilities, agricultural areas, parks, golf courses, landscaping natural resources, and natural areas all have the potential to create wildlife hazard attractants on or near airports)
  - (3) Land use characteristics that create visual, electronic, or thermal interference with aircraft navigation or communication
- (d) **Overflight:** Given that sensitivity to aircraft overflights varies from one person to another, the purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or leasing property in the affected areas. Noise from aircraft overflights, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the mapped noise contours.

2.4.3 **Airport Impacts Not Considered:** Other impacts sometimes created by airports (e.g., air pollution, automobile traffic) are not addressed by these compatibility policies and are not subject to ALUC review. Also, in accordance with State law (Pub. Util. Code §21674(e)), neither this Compatibility Plan nor the ALUC have authority over the operation of the Airport (e.g., where and when aircraft fly; airport security).

## 2.5 GEOGRAPHIC SCOPE

The geographic scope of this Compatibility Plan is established through an AIA delineated as follows:

2.5.1 The AIA for each Airport is the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on land use. The Airports' AIAs are presented on **Exhibit III-5** in Chapter 3 of this Compatibility Plan.

2.5.2 The AIA for each Airport is divided into two subareas, Review Area 1 and Review Area 2. For purposes of each Airport covered by this Compatibility Plan, except for AFB Vandenberg Airport, Review Area 1 consists of the compilation of the safety zones and noise contours for each Airport. Review Area 2 consists of the overflight and airspace protection layer for each Airport. The outer most layer of all of the four compatibility factors combined is the AIA for the Airport.

## 2.6 TYPES OF ACTIONS REVIEWED

2.6.1 Actions that Always Require ALUC Review: As required by State law, even if a local agency's General Plan is consistent with the current compatibility plan, the following types of actions shall be referred to the ALUC for determination of consistency with this Compatibility Plan prior to their approval by the local agency:

- (a) The adoption, approval or amendment of any General Plan (Pub. Util. Code §21676(b)) that affects lands within the AIA and involves:
  - (1) Noise, safety, airspace protection, or overflight concerns within Review Area 1; or
  - (2) Airspace protection or overflight concerns within Review Area 2.
- (b) Adoption or modification of an airport master plan for any one of the Airports (Pub. Util. Code §21676(c)).
- (c) Any proposal for expansion of any one of the Airports, if such expansion will require an amended Airport Permit from the State of California (Pub. Util. Code §21664.5).
- (d) Any proposal for construction of a new airport or heliport (Pub. Util. Code §21661.5).

2.6.2 Other Land Use Actions Subject to ALUC Review: Other types of land use actions are subject to review under these circumstances:

- (a) Until such time as the ALUC finds that a local agency's General Plan is consistent with this Compatibility Plan, or the local agency has overruled the ALUC's determination of inconsistency, State law allows ALUCs to require that local agencies submit all land use actions involving land within an AIA to the ALUC for review (Pub. Util. Code §21676.5(a)). Only those actions that an ALUC elects not to review are exempt from this requirement.
- (b) On Airport property, proposed non-aviation development shall also be subject to ALUC review (see Section 2.2 for definition of aviation-related use).

- (c) After a local agency has revised its general plan to be consistent with the Compatibility Plan or has overruled the ALUC's Compatibility Plan, the ALUC no longer has authority under State law to require that all land use actions be submitted for review. Some land use actions still require mandatory review (e.g., General Plan adoption or amendment; see Policy 2.6.1, above). Moreover, the local agency can voluntarily request that the ALUC continue to review and comment upon individual projects and the ALUC can agree to continue to review and comment upon individual projects consistent with a local agency's request (Pub. Util. Code §21676.5(b)). Because the ALUC reviews are discretionary and advisory under these circumstances, 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.
- (d) Proposed redevelopment of property for which the existing land use is consistent with the general plan (including a general plan that has been reviewed by the ALUC and found to be consistent with this Compatibility Plan or a prior compatibility plan for the Airport), but nonconforming with the compatibility criteria set forth in this Compatibility Plan, shall be subject to ALUC review. This policy is intended to address circumstances that arise when a general plan land use designation does not conform to ALUC compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an existing land use. Proposed redevelopment of such land voids the consistency status and is to be treated as new development subject to ALUC review even if the proposed use is consistent with the local general plan (also see Policies 2.3.2, and 2.11.2).
- (e) Any project located in the runway protection zone.

2.6.3 Land Use Actions Subject to Discretionary ALUC Staff Review: ALUC staff has the authority and discretion to make a consistency determination without formal ALUC review of the project if the land use action:

- (a) Involves land located within Review Area 2 of the AIA; and
- (b) Has received a final notice of determination from the FAA that the project will not constitute a hazard or obstruction to air navigation; and
- (c) Has been conditioned by the local agency to require an overflight notification consistent with the requirements of Policy 3.5.3, to the extent applicable.

## 2.7 GENERAL REVIEW PROCESS FOR LAND USE ACTIONS

2.7.1 Timing of Project Submittal: The precise timing of ALUC review of a proposed land use action may vary depending upon the nature of the project.

- (a) General plans and projects subject to ALUC review should be referred to the ALUC at the earliest reasonable time so that the ALUC's review can be duly considered by the local agency before formalizing its actions. Depending upon the type of general plan or project and the normal scheduling of meetings, ALUC review can be completed before, after, or concurrently with the review by the local planning commission and other advisory bodies, but must be accomplished before final action by the local agency.
- (b) Although the most appropriate time for a proposed land use action to be referred to the ALUC for review is once an application has been deemed complete by the local agency, the completion of an application is not required for a local agency to refer a proposed land use action to the ALUC staff for preliminary review. Rather, the local agency may refer a proposed land use action with potential policy significance to the ALUC staff for a preliminary review, so long as the local agency is able to provide the ALUC with the project submittal information for the proposed land use action, as specified in Policy 2.7.2 of this Compatibility Plan. The ALUC staff's review under these circumstances is discretionary and, if completed, is preliminary and not binding on subsequent ALUC determinations.
- (c) If the project changes in a substantive way during the local agency's review/approval process, the project must be resubmitted for a consistency determination.

2.7.2 Project Submittal Information: A proposed land use action submitted to the ALUC (or to the ALUC staff) for review that requires a new or amended general plan in accordance with Policy 2.6.1 or other land use actions submitted to the ALUC in accordance with Policy 2.6.2 shall include this information:

- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
- (b) An accurately scaled map showing the relationship (distance and direction) of the project site to the Airport boundary and runways. When available, a digital version of the exhibit should be provided on a CD-ROM along with a paper copy. The map should not exceed 24 x 36 inches.
- (c) A description of the existing use(s) of the land in question, including current general plan and zoning designations, height of structures, maximum intensity limits, , and other applicable information.

- (d) A description of the proposed use(s) and the type of land use action being sought from the local agency (e.g., zoning change, building permit).
- (e) For residential uses, the proposed number of dwelling units per acre (excluding any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions of it at any one time, and the proposed and Lot Coverage of the project.
- (f) If applicable, as determined by ALUC staff, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees above mean sea level and above ground level. A profile view of proposed features and all relevant information provided in connection with a Part 77 submittal. When available, a digital version of the drawings will be provided on a CD-ROM along with the paper version.
- (g) Identification of any features that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the Airport or in its environs.
- (h) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical, visual, or thermal hazards to aircraft flight.
- (i) Any draft or final environmental document (initial study, negative declaration, mitigated negative declaration, environmental assessment, environmental impact statement, or environmental impact report) that has been prepared for the project.
- (j) Any staff reports regarding the project that may have been presented to local agency decision makers.
- (k) Any project submittal information and final airspace determination that has been obtained from the FAA in accordance with Part 77.
- (l) Other relevant information that the ALUC determines to be necessary to enable a comprehensive review of the project.
- (m) The project submittal information also shall include applicable review fees, as established by the ALUC (Pub. Util. Code §21671.5(f)).
- (n) The documents submitted to the ALUC (or to the ALUC staff) should not exceed 24 x 36 inches.

- 2.7.3 Public Input: Where applicable, the ALUC shall provide public notice and obtain public input in accordance with Public Utilities Code section 21675.2(d) before acting on any proposed project under consideration.

## **2.8 REVIEW PROCESS FOR GENERAL PLANS, SPECIFIC PLANS, ZONING ORDINANCES, AND BUILDING REGULATIONS**

- 2.8.1 Initial ALUC Review of General Plan Consistency: Along with the adoption or amendment of this Compatibility Plan, the ALUC shall review the general plans of affected local agencies to determine their consistency with the Compatibility Plan.
- (a) Within 180 days of the ALUC's adoption or amendment of this Compatibility Plan, each local agency affected by the plan must amend its general plan to be consistent with the ALUC's Compatibility Plan or, alternatively, provide required notice, adopt findings, and overrule the ALUC's Compatibility Plan by two-thirds vote of the local agency's governing body in accordance with Public Utilities Code sections 21675.1(d), 21676(b), and 21676.5(a) (Gov. Code §65302.3). If a local agency fails to take either action, then it is required to submit all land use actions involving property located within the AIA to the ALUC for review (Pub. Util. Code §21676.5(a)).
  - (b) Before taking action on a proposed general plan amendment, the local agency must submit the draft of the general plan to the ALUC for review and a consistency determination.
  - (c) Along with its submittal of a general plan to the ALUC, a local agency must identify areas that the local agency requests the ALUC to consider as infill in accordance with Policy 2.11.1, if it wishes to take advantage of the infill policy provisions. The ALUC will include a determination on the infill designation/identification as part of its action on the consistency review of the general plan or other enabling documents.
- 2.8.2 Subsequent Reviews of Related Land Use Actions: As indicated in Policy 2.6.1, before taking action on the adoption or amendment of a general plan affecting property located within the AIA defined in this Compatibility Plan, local agencies must submit the proposed general plan to the ALUC for review and a consistency determination. Once the general plan has been made consistent with this Compatibility Plan, subsequent land use actions that are consistent with the general plan are subject to ALUC review only under the conditions indicated in Policy 2.6.2 and Policy 2.10.4. When subsequent review is required:

- (a) Copies of the complete text and maps of the proposed general plan and any supporting materials documenting that the land use action is consistent with the Compatibility Plan must be submitted.
- (b) If the amendment is required as part of a proposed land use action, then the applicable information listed in Policy 2.7.2 shall also be included.

2.8.3 ALUC Action Choices: When reviewing a general plan for consistency with the Compatibility Plan, the ALUC has three choices:

- (a) Find the general plan consistent with the Compatibility Plan. The conditions identified in Policy 2.9 must be met.
- (b) Find the general plan consistent with the Compatibility Plan, subject to conditions and modifications that the ALUC may require. Any such conditions should be limited in scope, consistent with the provisions of this Compatibility Plan, and described in a manner that allows compliance to be clearly assessed.
- (c) Find the general plan inconsistent with the Compatibility Plan. In making a finding of inconsistency, the ALUC shall note the specific conflicts or shortcomings upon which its determination of inconsistency is based.

2.8.4 Response Time: The ALUC must respond to a local agency's request for a consistency determination on a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the AIA and to an airport operator's request for a consistency determination on modifications to its airport master plan within 60 days from the date of submittal (Pub. Util. Code §21676(d)). However, this response period does not begin until the ALUC staff has determined that all information necessary for accomplishment of the project review has been submitted to the ALUC (Handbook at page 4-12; Pub. Util. Code §21675.2 (a) and §21676 (d)).

- (a) The 60-day review period may be extended if the submitting local agency agrees in writing or so states at an ALUC public hearing on the action.
- (b) The date of submittal is deemed to be the date on which all applicable project information is received by ALUC and the ALUC determines that the application for a consistency determination is complete (see Policy 2.10.2).
- (c) If the ALUC fails to make a determination within the time required or agreed upon, the proposed action shall be deemed consistent with the Compatibility Plan (Pub. Util. Code §21676(d)).

- (d) Regardless of any action or failure to act on the part of the ALUC, the proposed action still must comply with other applicable local, State, and federal laws and regulations.
- (e) The submitting local agency shall be notified of the ALUC's determination in writing.

2.8.5 ALUC Response to Notification of Proposed Overruling: If a local agency proposes to overrule an ALUC, it must provide a copy of the proposed decision and findings to both the ALUC and the Division of Aeronautics at least 45 days prior to taking action. The ALUC and Division of Aeronautics have 30 days in which to provide the local agency with their comments (Pub. Util. Code §21676(a)-(b)). The ALUC authorizes the ALUC staff to respond to any notification of proposed overruling. The comments of the Division of Aeronautics and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC (Pub. Util. Code §§21676, 21676.5).

## 2.9 GENERAL PLAN CONSISTENCY WITH COMPATIBILITY PLAN

This section discusses the requirements that need to be met for a general plan to be considered consistent with this Compatibility Plan. Appendix E provides additional guidance in the form of a General Plan Consistency Checklist.

2.9.1 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 (number of dwelling units per acre for residential uses) or intensity (number of people per acre for nonresidential uses) criteria specified in Chapter 3 of this Compatibility Plan. In addition, conflicts with regard to other policies—height limitations in particular—may exist.
- (b) A general plan cannot be found inconsistent with the Compatibility Plan because of land use designations that reflect existing land uses even if those designations conflict with the compatibility criteria of this Compatibility Plan. General plan land use designations that reflect the existing uses are exempt from requirements for general plan consistency with the Compatibility Plan. This exemption derives from State law that proscribes ALUC authority over existing land uses. However, proposed redevelopment or other changes to existing land uses are not exempt from compatibility policies and are subject to ALUC review in accordance with Policy 2.6.2 (f). General plans must include policies setting limitations on the expansion and reconstruction of nonconforming uses located within the AIA, consistent with Policy 2.11.2, in order to prevent an increase in the number of nonconforming uses.
- (c) To be consistent with the Compatibility Plan, a general plan also must include provisions ensuring long-term compliance with the compatibility criteria. Therefore, an implementation

process must be defined in the general plan. Compatibility planning can be reflected in a general plan in several ways:

- (1) Incorporate Policies into Existing General Plan Elements—One approach for 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 provided in the safety element, and the primary compatibility criteria and associated maps, in addition to the procedural policies, might fit into the land use element. With this approach, direct conflicts would be eliminated and most of the mechanisms and procedures to ensure compliance with, and implementation of, the compatibility criteria could be fully incorporated into the local agency's general plan.
- (2) Adopt a General Plan Airport Element—Another approach is to prepare a separate airport element as part of the general plan. Such a format may be advantageous when the local agency'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.
- (3) Adopt a Compatibility Plan as Stand-Alone Document—Local agencies could also adopt, as a local policy document, the relevant portions of this Compatibility Plan—specifically, the policies and maps in Chapters 2 and 3. Background information from Chapter 4 could be included as well, if applicable. Changes to the local agency's existing general plan would be minimal. Policy reference to the Compatibility Plan would need to be added and 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.
- (4) Adopt Airport Combining District or Overlay Zoning Ordinance—This approach is similar to the stand-alone document except that the local agency would not explicitly adopt the Compatibility Plan as policy. Instead, the compatibility policies would be restructured as an airport combining district or overlay zoning ordinance. A combining district or overlay zoning ordinance serves as an overlay to 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 district or overlay zoning ordinance can be a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many local agencies have adopted for 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 general plan, implementation of the compatibility policies would be accomplished solely through the combining district or overlay zoning ordinance. To be consistent with the Compatibility

Plan, the general plan can simply state it supports the ALUC by implementing its policies through the combining district or overlay zoning ordinance. An outline of topics which could be addressed in a combining district or overlay zoning ordinance is included in Appendix F.

- 2.9.2 Identification of Mechanisms for Compliance: Local agencies must define the mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced.
- 2.9.3 Establishment of Review and Approval Process: Local agencies must define the process they will follow when reviewing and approving land use actions within an AIA to ensure that the development will be consistent with the policies in this Compatibility Plan.
- (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 that the ALUC has previously found consistent with this Compatibility Plan and that the development's subsequent use or reuse will remain consistent over time. Consistency with other applicable compatibility criteria—e.g., maximum density and intensity limits, height limitations, sound attenuation, aviation easement dedication, and overflight notification—must be assessed.
  - (b) This review process may be described either within land use plans themselves or in implementing ordinances. Local agencies satisfy the review process requirement through choosing one or more of these means:
    - (1) Sufficient detail can be included in the general plan to enable the local agency to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan. These details should identify the compatibility criteria and describe project review and approval procedures;
    - (2) The ALUC's Compatibility Plan can be adopted by reference. In this case, the general plan must describe the project review and approval procedures in a separate policy document or memorandum of understanding that is presented to the ALUC for its approval;
    - (3) The general plan can indicate that all land use actions, or a list of land use actions agreed to by the ALUC, shall be submitted to the ALUC for review in accordance with the policies in this Compatibility Plan.

## 2.10 REVIEW PROCESS FOR OTHER LAND USE ACTIONS

2.10.1 ALUC Consistency Determinations: When reviewing land use actions other than general plans, the ALUC is required to make one of the following determinations:

- (a) Find the project consistent with this Compatibility Plan.
- (b) Find the project consistent with this Compatibility Plan, subject to compliance with conditions and/or modifications that the ALUC may require. Any such conditions should be consistent with the policy provisions of this Compatibility Plan, and described in a manner that allows compliance to be clearly assessed.
- (c) Find the project inconsistent with the Compatibility Plan. In making a finding of inconsistency, the ALUC shall note the specific conflicts on which it based its determination of inconsistency.

2.10.2 Response Time: In responding to land use actions other than general plans submitted for review, the policy of the ALUC is that:

- (a) Reviews of projects forwarded to the ALUC for a consistency determination shall be completed within 60 days of the date of "project submittal," as defined in Paragraph (b) below. This response period does not begin until all information necessary for accomplishment of the project review has been submitted to the ALUC (Pub. Util. Code §21675.2(a) and 21676(d)).
- (b) The date of "project submittal" shall be the date on which all applicable project submittal information, as listed in Policy 2.7.2, is received by the ALUC staff and the ALUC staff has determined the application to be complete (also see Policy 2.3.2).
- (c) If the ALUC fails to make a determination within 60 days after ALUC staff has determined the application to be complete, the proposed land use action shall be deemed consistent with the Compatibility Plan unless the local agency agrees in writing to an extension beyond 60 days or so states at an ALUC public hearing on the action.
- (d) Regardless of any action or failure to act on the part of the ALUC, the proposed land use action still must comply with other applicable local, State, and federal laws and regulations.
- (e) The submitting agency shall be notified of the ALUC's determination in writing.

2.10.3 ALUC Response to Notification of Proposed Overruling: If a local agency proposes to overrule an ALUC decision regarding a land use action for which ALUC review is mandatory under this section,

then the local agency must provide a copy of the proposed decision and findings to both the ALUC and the Division of Aeronautics at least 45 days prior to taking action. The ALUC and Division of Aeronautics have 30 days to provide the local agency with their comments (Pub. Util. Code §21676(a)-(b)). The ALUC may authorize the ALUC staff to respond to any notification of proposed overruling. The comments of the Division of Aeronautics and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC (Pub. Util. Code §§21676, 21676.5).

2.10.4 Subsequent Review: Even after a project has been found consistent or conditionally consistent with this Compatibility Plan, it may still need be submitted for review in later stages of the planning process if any of the following are true:

- (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 may have been found consistent, but information on site layout, maximum density and intensity limits, building heights, and other such factors may not have yet been known that affect the consistency determination for a project.
- (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. Proposed changes warranting a new review may include, but are not limited to, the following:
  - (1) An increase in the density of use (number of dwelling units), intensity of use (more people on the site), or lot coverage;
  - (2) An increase in the height of structures or modification of other design features;
  - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site).
- (c) The local agency concludes that further review is warranted.
- (d) At the time of the original ALUC review, conditions are placed on the project that require subsequent ALUC review.

## 2.11 SPECIAL COMPATIBILITY CONSIDERATIONS

2.11.1 Nonconforming Uses: A nonconforming use describes a lawful use existing before the effective date of a new land use restriction that has since continued without conformation. Existing uses (including a parcel or building) not in conformance with this Compatibility Plan are subject to the nonconforming

use restrictions contained in State law and each local agency's respective land use regulations and zoning. The standards set forth by such State law and local agencies' land use regulations and zoning are incorporated by reference, and shall be utilized by the ALUC to determine when it has jurisdiction to review a nonconforming use. (See, e.g., Gov't Code §§ 65852.150, 65852 [allowing for secondary dwelling units].)

#### 2.11.2 Development by Right:

- (a) Except as specifically provided below, all policies provided in this Compatibility Plan shall apply to development by right.
- (b) Nothing in these policies prohibits:
  - (1) Other than in Safety Zone 1 (the runway protection zone), construction of a single-family home, including a second unit as defined by State law, on a legal lot of record, if such use is permitted by local land use regulations.
  - (2) Construction of other types of uses, if local agency approvals qualify the development as an existing land use (see Section 2.2 for definition).
  - (3) 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 criteria indicated in **Tables III-4 and III-5** of Chapter 3.
- (c) The applicable sound attenuation, aviation easement dedication, overflight notification, and height requirements set by Chapter 3 and Policy 2.11.3 in this chapter shall apply to development by right permitted under this policy.

2.11.3 Aviation Easement Dedication: As a condition for approval of the types of projects listed in Paragraph (a) below, the owner of the property involved shall be required to dedicate an aviation easement to the entity owning the airport

- (a) An aviation easement is required for any project:
  - (1) Where proposed structures, trees, or other objects would constitute an obstruction as defined by the FAA;
  - (2) Located on a site where the ground level penetrates a Part 77 surface; or
  - (3) Situated on property lying within the projected 65 dB CNEL noise contour (urban setting) or 60 dB CNEL noise contour (rural setting) of the Airports that has been designated as a conditional land use in **Tables III-1 and III-2**.
- (b) The aviation 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;
  - (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 aviation easement is in Appendix F.

## 2.12 REVIEW OF AIRPORT MASTER PLANS AND DEVELOPMENT PLANS

2.12.1 Actions for which ALUC Review is Required: State law requires that, prior to modifying an airport master plan, the public agency owning the airport must submit the proposed modification to the ALUC for review (Pub. Util. Code §21676(c)). Additionally, for any airport expansion that entails modification or amendment of the Airport Permit issued by the Division of Aeronautics, the public agency owning the airport must also submit the proposal to the ALUC (Pub. Util. Code §21664.5). Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of runway protection zones or the acquisition of any interest in land for the purposes identified above. Finally, any construction plans for a new airport must be submitted to the ALUC (Pub. Util. Code §21661.5).

- (a) Beyond these mandatory reviews, the ALUC has no authority over airport operations and other types of aviation-related development on airport property (see Section 2.2 for a definition of aviation-related use).
- (b) Nonaviation development of airport property, however, is subject to ALUC review either on an individual project basis or, in a manner comparable to ALUC review of general plans, as part of an airport master plan.

2.12.2 Project Submittal Information: Any proposed new or amended airport master plan, airport expansion plan, or development plan for the Airports submitted to the ALUC for review shall contain sufficient information to enable the ALUC to assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses.

- (a) At a minimum, information to be submitted shall include:
  - (1) A layout plan drawing of the proposed facility showing these locations:

- Property boundaries
  - Runways or helicopter takeoff and landing areas
  - Runway or helipad protection zones
  - Aircraft or helicopter approach/departure flight routes.
- (2) A map of the proposed airspace surfaces as defined by Part 77, if the proposal would result in changes to these surfaces.
  - (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction.
  - (4) Existing and proposed flight track locations, current and projected noise contours, and other supplementary noise impact data that may be relevant.
  - (5) An exhibit showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.
  - (6) Any environmental document (initial study, negative declaration, mitigated negative declaration, environmental assessment, draft environmental impact report, draft environmental impact statement, etc.) that may have been prepared for the project.
  - (7) Identification and proposed mitigation of impacts on surrounding land uses.
- (b) Applicable review fees, as established by the ALUC.

2.12.3 ALUC Action Choices: When reviewing airport master plans or expansion plans for the Airport, the ALUC's basic choices are to determine whether the proposal is consistent or inconsistent with this Compatibility Plan. However, there are also associated actions the ALUC may wish to take in connection with this determination.

- (a) When an inconsistency exists between an airport master plan and this Compatibility Plan, the ALUC has the option of first modifying this Compatibility Plan to reflect the assumptions and proposals in the airport master plan.
- (b) Plans for expansion of a runway system at an airport normally will be based on a long-range airport master plan previously reviewed by the ALUC. The consistency review therefore involves only a comparison of the proposed expansion project with the airport master plan.

2.12.4 Response Time: The ALUC must respond to submittal of an airport master plan, airport expansion plan/development plan, or plan for a new airport/heliport within 60 days from the date of project submittal (Pub. Util. Code §21676(d)).

- (a) The 60-day review period may be extended if the submitting agency agrees in writing or so states at an ALUC public hearing on the action.
- (b) The date of submittal is deemed to be the date on which all applicable project information is received by the ALUC and the ALUC determines that the application for a consistency determination is complete (see Policy 2.10.2).
- (c) If the ALUC fails to make a determination within the time required or agreed upon, the proposed action shall be deemed consistent with this Compatibility Plan (Pub. Util. Code §21676(d)).
- (d) Regardless of action or failure to act on the part of the ALUC, the proposed action must comply with other applicable local, State, and federal regulations and laws.
- (e) The submitting agency shall be notified of the ALUC's action in writing.

2.12.5 ALUC Response to Notification of Proposed Overruling: If the agency owning the Airport proposes to overrule an ALUC action regarding the airport master plan or airport expansion/development plan, it must provide a copy of the proposed decision and findings to both the ALUC and the Division of Aeronautics at least 45 days prior to taking action. The ALUC and the Division of Aeronautics then have 30 days to respond to the agency with their comments (Pub. Util. Code §21676(c)). The ALUC may authorize the ALUC staff to respond to any notification of proposed overruling. The comments of the Division of Aeronautics and the ALUC are advisory, but must be made part of the record of final decision to overrule the ALUC.

2.12.6 Substance of Review: When reviewing airport master plans or airport expansion/development plans for airports, the ALUC shall determine whether activity forecasts or proposed facility development identified in the plans differ from the forecasts and development assumed for that airport in this Compatibility Plan. Attention should specifically focus on:

- (a) Activity forecasts that are:
  - (1) Significantly higher or lower than those in this Compatibility Plan, or
  - (2) Include a higher or smaller proportion of larger or noisier aircraft.
- (b) Proposals to:
  - (1) Construct a new runway or helicopter takeoff and landing area;
  - (2) Change the length, width, or landing threshold location of an existing runway; or
  - (3) Establish an instrument approach procedure.

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