

Airport Land Use Compatibility Plan for the County of Del Norte, California

July 2017



Jack McNamara Field



Ward Field Airport



Andy McBeth Airport



AIRPORT LAND USE COMPATIBILITY PLAN

DEL NORTE COUNTY, CALIFORNIA

Prepared For

Del Norte County Airport Land Use Commission

Prepared by:

Coffman Associates, Inc.

Adopted July 5, 2017





TABLE OF CONTENTS

TABLE OF CONTENTS

Chapter One - INTRODUCTION

BACKGROUND	1-3
ALUCP ADOPTION, IMPLEMENTATION, AND AMENDMENTS	1-3
ROLE OF THE RESPONSIBLE AGENCIES	1-4
Federal	1-5
State of California	1-6
Local Governments (Cities and Counties).....	1-7
ESSENTIAL AIRPORT AND LAND USE PLANNING DOCUMENTS	1-8
Master Plan	1-8
Airport Layout Plan	1-8
General Plan.....	1-9
Airport Land Use Compatibility Plan.....	1-9
ABOUT THIS DOCUMENT	1-10

Chapter Two – AIRPORT ENVIRONS

INTRODUCTION.....	2-1
Airport Environs	2-1
AIRPORT ENVIRONS	2-4
Jack McNamara Field	2-4
Ward Field.....	2-13
Andy McBeth Airport	2-19
REFERENCES	2-24

Chapter Three – AIRPORT INFORMATION

INTRODUCTION.....	3-1
Airport Facilities	3-1
Airport Operations	3-2
AIRPORT INFORMATION	3-2
Jack McNamara Field (CEC).....	3-2
Ward Field (009).....	3-7
Andy McBeth (S51)	3-8
REFERENCES	3-14



Chapter Four – COMPREHENSIVE LAND USE POLICIES

4.0 DEFINITIONS..... 4-1

4.1 GENERAL POLICIES 4-4

 4.1.1 Compliance with State Law 4-4

 4.1.2 Airport Influence Area 4-5

 4.1.3 Amendments to the Compatibility Plan Analysis..... 4-5

 4.1.4 Effective Date 4-5

 4.1.5 Applicability of Policies to Existing Land Uses..... 4-5

 4.1.6 Types of Actions Reviewed..... 4-14

 4.1.7 Types of Airport Impacts 4-17

 4.1.8 ALUC Overrule Policies 4-18

 4.1.9 Review Fees 4-20

 4.1.10 ALUCP Update 4-21

4.2 REVIEW PROCESS 4-21

 4.2.1 Timing and Public Input..... 4-21

 4.2.2 Review Process for Community Land Use Plans and Ordinances 4-21

 4.2.3 Review Process for Airport Master Plans and Development Plans 4-23

 4.2.4 Review Process for Major Land Use Actions 4-25

 4.2.5 Ruling Conformation 4-27

4.3 LAND USE ACTION COMPATIBILITY CRITERIA..... 4-27

 4.3.1 Safety and Compatibility Criteria 4-27

 4.3.2 Noise 4-38

 4.3.3 Airspace Protection 4-46

 4.3.4 Overflight..... 4-56

EXHIBITS

1A LOCATION/VICINITY MAP 1-2

2A CRESCENT CITY SPHERE OF INFLUENCE – JACK McNAMARA FIELD 2-5

2B EXISTING LAND USE – JACK McNAMARA FIELD..... 2-7

2C ZONING – JACK McNAMARA FIELD..... 2-10

2D GENERAL PLAN – JACK McNAMARA FIELD 2-12

2E EXISTING LAND USE – WARD FIELD AIRPORT 2-15

2F ZONING – WARD FIELD AIRPORT 2-16

2G GENERAL PLAN – WARD FIELD AIRPORT 2-18

2H EXISTING LAND USE – ANDY McBETH AIRPORT 2-20

2J ZONING – ANDY McBETH AIRPORT 2-22

2K GENERAL PLAN – ANDY McBETH AIRPORT 2-23



3A	JACK McNAMARA FIELD ALP.....	3-3
3B	WARD FIELD AIRPORT DIAGRAM.....	3-9
3C	ANDY McBETH AIRPORT DIAGRAM	3-11
4A	AIRPORT INFLUENCE AREA – JACK McNAMARA FIELD.....	4-7
4B	AIRPORT INFLUENCE AREA – WARD FIELD AIRPORT	4-9
4C	AIRPORT INFLUENCE AREA – ANDY McBETH AIRPORT	4-10
4D	SAFETY ZONES – JACK McNAMARA FIELD	4-29
4E	SAFETY ZONES – WARD FIELD AIRPORT	4-31
4F	SAFETY ZONES – ANDY McBETH AIRPORT	4-32
4G	FUTURE NOISE CONTOURS – JACK McNAMARA FIELD.....	4-40
4H	FUTURE NOISE CONTOURS – WARD FIELD AIRPORT.....	4-41
4J	FUTURE NOISE CONTOURS – ANDY McBETH AIRPORT	4-42
4K	AIRSPACE PROTECTION AREA – JACK McNAMARA FIELD	4-47
4L	AIRSPACE PROTECTION AREA – WARD FIELD AIRPORT.....	4-49
4M	AIRSPACE PROTECTION AREA – ANDY McBETH AIRPORT	4-50
4N	TERRAIN PENETRATIONS – WARD FIELD AIRPORT	4-52
4P	TERRAIN PENETRATIONS – ANDY McBETH AIRPORT.....	4-53
4Q	TERRAIN POLICY EXAMPLES.....	4-54

APPENDICES

Appendix A
SAFETY SUPPORTING INFORMATION

Appendix B
NOISE MODELING ASSUMPTIONS

Appendix C
IMPLEMENTATION MATERIALS

Appendix D
SUPPORTING MATERIALS

Appendix E
GLOSSARY OF NOISE COMPATIBILITY TERMS

Appendix F
CHECKLIST OF ALUCP CONTENTS

Appendix G
INITIAL STUDY AND NEGATIVE DECLARATION





Chapter One

INTRODUCTION

Chapter One INTRODUCTION

*Airport Land Use Compatibility Plan
Del Norte County*

The Airport Land Use Compatibility Plan (ALUCP) for Del Norte County is intended to protect and promote the safety and welfare of residents and airport users near the public use airports in the County, while promoting the continued operation of those airports. Specifically, the plan seeks to minimize the public's exposure to safety hazards. Additionally, it is designed to protect the public from the adverse effects of airport noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

Implementation of this plan will promote compatible development and restrict new incompatible development in the vicinity of the public use airports in Del Norte County, thus allowing for the continued operation of those airports.

In accordance with California state laws, this ALUCP has been prepared for the following public use airports within Del Norte County, as identified on **Exhibit 1A**:

- Jack McNamara Field
- Ward Field
- Andy McBeth Airport

This document will review each airport's facilities, inventory each airport's surrounding environs, evaluate the airport land use compatibility issues that face each of these unique airports, and provide al-





ternatives analysis with an updated set of compatibility review guidelines for the areas surrounding these airports.

BACKGROUND

Airports play a vital role in the transportation system and economy of cities and counties throughout the nation. The public use airports in Del Norte County provide services such as business travel, tourism, emergency response, fire suppression, and law enforcement. In recognition of the importance of the role airports play and proper land use compatibility planning within the State of California, the California State Legislature enacted laws that mandate the creation of Airport Land Use Commissions (ALUCs). Adopted in 1967 to assist local agency land use compatibility efforts, the laws are intended to protect:

“public health, safety, and welfare by encouraging orderly expansion of airports and the adoption of land use measures that minimizes 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.”

To achieve this goal, the ALUC has two primary functions:

- To prepare and adopt an airport land use plan with a 20-year planning horizon for each airport within its jurisdiction; and
- Review local agency land use actions and airport plans.

California law states that an existing agency may be designated to perform the duties of the ALUC. In Del Norte County, the Del Norte County Planning Commission, with the addition of two members from the Border Coast Regional Airport Authority augmenting the membership to meet the aviation expertise provision outlined in California Public Utilities Code (PUC) Section 216709(e), was named the ALUC by the Board of Supervisors of the County of Del Norte on May 24, 2016 by Resolution No. 2016-015. A copy of this Resolution is included in **Appendix B**. The ALUC is composed of seven voting members:

- The five members of the Del Norte County Planning Commission are appointed by the Board of Supervisors of Del Norte County. Membership is governed by the rules of that body.
- Two representatives of the Border Coast Regional Airport Authority are appointed by the Del Norte County Board of Supervisors, such that at least two members have expertise in aviation. Membership on the Border Coast Regional Airport Authority will be governed by the rules of that body.

ALUCP ADOPTION, IMPLEMENTATION, AND AMENDMENTS

The adoption of this plan is coordinated by the Del Norte County Airport Land Use Commission.



Del Norte County is obligated to involve the affected local agencies in the adoption process by holding a public hearing on the document prior to formal adoption. As discussed in the Handbook, adoption of the ALUCP begins a statutory 180-day period within which the county and affected cities must either modify its general plan and applicable specific plans or take the steps necessary to overrule the ALUC (Government Code, Section 65302.3). The overruling process involves three mandatory steps:

- 1) Holding of a public hearing;
- 2) Making specific findings that the action proposed is consistent with the purposes of the ALUC statute; and
- 3) Approval of the proposed action by a two-thirds vote of the agency's governing body.

With concurrence of the local agency's governing body, upon approval of the ALUCP and where local agencies have amended their general and specific plans to be consistent with the ALUCP, the following types of actions proposed within the airport referral areas will be submitted to the ALUC for determination of consistency with the ALUCP prior to their approval by the local jurisdiction:

- Local land use plans, projects, and related actions.
- Airport and heliport plans, including master plans, expansion plans, and plans for the construction of a new facility.

The effectiveness of this document can be limited by its currency. As such, the ALUC should review the document as often as necessary to ensure that the information and assumptions used are still appropriate for all of the public use airports in Del Norte County. It is especially important to review the plan whenever an airport master plan or airport layout plan is amended. Changes in runway lengths, in particular, could require an amendment to the ALUCP.

The ALUC should also review the ALUCP when new guidance documents are prepared by the California Department of Transportation. It is important for the ALUCP to reflect the latest information and research on aircraft noise and safety compatibility issues. It should be noted that California State law limits the amendment of the ALUCP to no more than once per calendar year (separate amendments for the portion dealing with individual airports are allowed once per year for each airport).

ROLE OF THE RESPONSIBLE AGENCIES

Airport land use compatibility involves two overarching concepts: a community's need for safe and efficient air transportation and orderly land use development. These two concepts need to be balanced to achieve a favorable result for both the airport and the residents in the airport's vicinity.

Airport land use compatibility planning can be a complicated matter when considering the various levels of government and documentation involved. Prior to addressing the local issues within Del Norte



County, a brief discussion of the specific role of each governmental entity with respect to aviation and land use is necessary. It is important to note that some levels of government are limited in the actions they may take with respect to airport land use compatibility, and care is taken to describe these limitations where appropriate.

FEDERAL

Aviation

The Federal Government, primarily through the Federal Aviation Administration (FAA), has the authority and responsibility to control aircraft noise sources through the following methods:

- **Implement and Enforce Aircraft Operational Procedures.** These include pilot responsibilities, compliance with Air Traffic Control instructions, flight restrictions, and monitoring careless and reckless operation of aircraft. Where and how aircraft are operated is under the complete jurisdiction of the FAA.
- **Manage the Air Traffic Control System.** The FAA is responsible for the control of navigable airspace and reviews any proposed alterations in flight procedures for noise abatement on the basis of safety of flight operations, safe and efficient use of navigable airspace, management and control of the national airspace and air traffic control systems, effects on security and national defense, and compliance with applicable laws and regulations.
- **Certification of Aircraft.** The FAA has required the reduction of aircraft noise through certification, modification of engines, or aircraft replacement as defined in Code of Federal Regulations Title 14, Part 36.
- **Pilot Licensing.** Individuals licensed as pilots are trained under strict guidelines concentrating on safe and courteous aircraft operating procedures, many of which are designed to lessen the effects of aircraft noise.

Land Use

- **Noise Compatibility Studies:** 14 CFR Part 150 establishes procedures and criteria for the evaluation of airport noise-related impacts. Although the FAA may provide guidance for airport land use compatibility, it has no jurisdiction over local planning decisions.



STATE OF CALIFORNIA

Aviation

With respect to aviation, the California Department of Transportation, Division of Aeronautics is directed by the *State Aeronautics Act* to engage in activities that protect the public interest in aeronautics and aeronautical progress. In cooperation with, and in support of the FAA, the Division serves as the advisor to Caltrans, ALUCs, and airport sponsors for ways to better include safe aviation into the fabric of California communities and multimodal transportation planning.

Land Use

The State of California grants the authority of land use regulation to local governments. This regulation is accomplished through the use of general plans and zoning ordinances. The state has also established airport noise standards, noise insulation standards, and requirements for the establishment of ALUC. State staff may also coordinate with local agencies to encourage environmental mitigation measures intended to discourage the encroachment of incompatible land uses near airport facilities. As with the federal government, local planning decisions are at the discretion of the local jurisdiction and the state may not interfere with these decisions. In accordance with PUC 21676, at least 45 days prior to the decision to overrule the ALUC, the local agency shall provide the ALUC and the Division a copy of the proposed overrule decision and accompanying findings. The ALUC and the Division may provide comments to the local agency’s governing body within 30 days of receiving the proposed decision and findings. While the ALUC and Division comments are advisory, they must be included in the public record of any decision to overrule the ALUC.

California State law also requires sellers of real property to disclose any facts materially affecting the value and desirability of the property. Such disclosure is required when the property is either within two miles of an airport or if it is within an Airport Influence Area (AIA). The law defines the AIA as the area where airport-related factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission. As outlined in PUC 21675(c), the AIA is usually the planning area designated by an airport land use commission for each airport.

Noise Insulation Standards

The California Noise Insulation Standards are found in California Building Code Title 24, Chapter 12, Section 1207. These standards establish uniform minimum noise insulation performance standards to protect persons within new multi-family residential structures and hotels from the effects of noise. Once these buildings are sound-insulated to the proper performance standards, they are not considered “noise impacted.” These minimum noise insulation performance standards require that the Community Noise Equivalent Level (CNEL) shall not exceed 45 dB in any habitable room, with all doors and windows closed.



LOCAL GOVERNMENTS (CITIES AND COUNTIES)

Aviation

Cities and counties may be engaged in an aviation system by owning and operating an airport as its sponsor. As airport proprietors, cities and counties have limited power to control what types of civil aircraft use its airport or to impose curfews or other use restrictions. This power is limited by the rules of 14 CFR Part 161, which states that airport proprietors may not take actions that (1) impose an undue burden on interstate or foreign commerce, (2) unjustly discriminate between different categories of airport users, or (3) involve unilateral action in matters pre-empted by the federal government.

Within the limits of the law and financial feasibility, airport proprietors may mitigate noise or acquire land or partial interests in land, such as air rights, easements, and development rights, to assure the use of property for purposes which are compatible with airport operations.

Land Use

Cities and counties bear responsibility for the orderly development of areas surrounding the airports within their respective jurisdiction. To achieve this goal, each jurisdiction is charged with making sure all applicable planning documents and building codes are consistent with the ALUCP or go through the overruling process as outlined in PUC Sections 21675.1(d), 21676, and 21676.5. Local jurisdictions are also obligated to bring local plans into consistency with the ALUC Airport Land Use Plan (ALUP) and submit land use actions, such as general plan or specific plan amendments, revisions to ordinances or regulations, airport plans and individual development projects to the ALUC for a determination of consistency under PUC Section 21676.

Airport Land Use Commission

At the county level of government exists a unique intersection of airport and land use compatibility planning with the administration of the Airport Land Use Commission. As previously discussed, the establishment of an ALUC is generally required for any county with an airport that is operated for the benefit of the public. The role of the ALUC is to *“formulate a comprehensive plan that will provide for the orderly growth at each public use airport and the area surrounding the airport within the jurisdiction of the commission”* (State of California PUC Section 21675). ALUCs are required to include seven members comprised of representatives from cities, counties, aviation users, and local citizens residing within the commission’s jurisdiction.

While the ALUC does not have the authority to govern operations at any given airport, it is responsible for the preparation of the ALUCP. Once adopted, the ALUCP is to be linked to the general plans, zoning ordinances, and other land use regulations established by local governments to ensure consistency among all documents.



Section 21676 requires that local general plans conform with the ALUC's comprehensive land use plan. It grants the ALUC the authority to review amendments to general plans, specific plans, zoning amendments, and building regulations that apply within the airport planning boundary.

The primary statutory limitation on ALUCs, stated in PUC Sections 21670(a)(2) and 21674(a), is the lack of authority over existing land uses. An ALUC has no authority to command changes to land uses that are existing or vested, regardless of whether they are incompatible with airport activities.

ESSENTIAL AIRPORT AND LAND USE PLANNING DOCUMENTS

Several documents are involved when considering airport land use compatibility issues. Airport sponsors and local jurisdictions each prepare separate planning documents for their airports and the surrounding development. An overview of each of these documents is included as follows to aid in understanding each component in this process.

MASTER PLAN

An airport master plan provides strategic guidance for airport facilities and infrastructure development to support current and future aviation demands. A master plan reviews and updates the long range forecasts for airport development over the next 20 years. The forecasts are based on the airport's operational characteristics and are used to determine the airport's facility needs.

The objectives of a master plan are to:

- Examine the number and type of existing and potential aircraft users and operations;
- Assess the facilities needed to accommodate this activity;
- Evaluate alternatives to meet these needs; and
- Provide a detailed development concept which balances airport needs with financial resources.

The detail of an airport master plan is directly related to the size, function, and role of the airport. The airport master plan is prepared and adopted by the airport's sponsor/owner and is to be submitted to the ALUC for review. While airport master plans may include discussions of land use compatibility, it is important to note that these documents cannot be used to dictate off-airport land uses.

AIRPORT LAYOUT PLAN

Related to the Airport Master Plan is the Airport Layout Plan or Drawing (ALP). An ALP is a graphic representation of the current and long term facilities for an airport. These are generally required for air-



ports seeking federal assistance for the implementation of airport improvements. The airport master plan or other narrative report typically accompanies the drawing or plans to provide justification for the proposed developments. An ALP generally is used as the basis for developing airport land use compatibility zones within ALUCPs as they reflect the 20-year development horizon for an airport. Upon completion, the ALP is sent to the FAA for review and approval.

As discussed in the California Airport Land Use Planning Handbook, Caltrans “will accept a signed ALP drawing in lieu of an FAA-approved ALP as the basis of an ALUCP update, provided the drawing is prepared consistent with the California Code of Regulations, Title 21, Section 3534.

GENERAL PLAN

In addition to the previously discussed functions of the state government, the State of California performs other functions that affect local governments. Most important to the airport land use compatibility planning process is the requirement for each local jurisdiction to develop a “*long range General Plan for the development of the city or county*” which “*shall consist of a statement of development policies and shall include diagrams and text setting forth objectives, principles, standards, and plan proposals.*” Of the seven mandatory elements in the General Plan, two are especially important – land use and noise.

The land use element of a general plan designates the proposed general distribution and intensity of uses of the land. This element serves as a framework for the plan and is intended to correlate all land use issues into a set of development policies. The land use element must include standards of population density and building intensity.

The noise element identifies and evaluates the noise situation in the community. The projected noise levels are calculated and mapped for airports and other major noise sources such as highways. Projected noise levels are used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of residents to excessive noise.

AIRPORT LAND USE COMPATIBILITY PLAN

An Airport Land Use Compatibility Plan provides for the orderly growth of an airport within the AIA. Its primary function is to safeguard the general welfare of people residing within the vicinity of the airport and the public in general. Airport Land Use Compatibility Plans also protect the long-term viability of airports which promote economic stability and growth in the community.

Airport compatible land uses are defined as those uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or safety hazards. Compatibility concerns include any airport impact that adversely affects the livability of surrounding communities, as well as any community characteristic that can adversely affect the viability of an airport.



To assist in the development of an ALUCP, the Division of Aeronautics publishes the Handbook which establishes statewide guidelines for airport land use compatible planning based on the *State Aeronautics Act*.

The Handbook broadly identifies two compatibility areas to be addressed within an ALUCP: safety and noise. Each of these compatibility areas has associated characteristics that should be considered when developing ALUCP policies.

Safety and Airspace Protection Issues

- The issue of safety compatibility is one of evaluating “risk”, and determining the locations around an airport that are at the greatest risk of experiencing an aircraft accident.
- Minimizing the severity of an aircraft accident by evaluating the land uses within the AIA. Certain land uses involve the concentration of large groups of people.
- Land uses can create hazards to aviation. Airspace protection generally involves limitations on the height of manmade structures near an airport.
- Minimizing activities which cause electronic or visual impairments to aviation or attract large numbers of birds.

Noise and Airspace Overflight Issues

- In areas adjacent to an airport, cumulative noise impacts, measured in terms of Community Noise Equivalent Level (CNEL) contours, may be the most disruptive.
- In areas beyond the outermost contours, noise generated from aircraft overflights can also be considered annoying to residents.

ABOUT THIS DOCUMENT

This document includes the following information for the three public use airports within Del Norte County.

Chapter Two (for each airport) – Airport Environs

- Airport Setting
- Study Area
- Existing Land Use
- Land Use Planning Policies and Regulations
- Airport Noise Exposure and Noise Abatement/Mitigation Problems



Chapter Three (for each airport) – Airport Information

- Airport Facilities
- Airport Activity Data
- Future Airport Improvements

Chapter Four (for each airport) – Airport Policies

- Safety Compatibility Policies and Criteria
- Noise Compatibility Policies and Criteria
- Height Compatibility Issues and Alternatives
- Airspace Protection Compatibility Policies and Criteria

Appendices

- A – Safety Supporting Information
- B – Noise Modeling Assumptions
- C – Implementation Materials
- D – Supporting Materials
- E – Glossary of Noise Compatibility Terms
- F – Checklist of ALUCP Contents
- G – Initial Study and Negative Declaration





Chapter Two

AIRPORT ENVIRONS

Chapter Two AIRPORT ENVIRONS

Airport Land Use Compatibility Plan
Del Norte County

INTRODUCTION

Each of the three public-use airports within Del Norte County has a unique environment and surrounding land use development patterns. This chapter provides an overview of the airport setting and study area, as well as the existing land uses within the vicinity of each airport.

AIRPORT ENVIRONS

There are three important components necessary to understand when preparing an assessment of an airport's land use environs: an airport's influence area (AIA), the sphere of influence (SOI) of nearby jurisdictions, and aircraft noise exposure contours.

Airport Influence Area

Pursuant to California Public Utilities Code Section 21675, each airport has an area of influence (AIA). The AIA indicates those areas in which current or future airport-related overflights, noise, safety, or air-space protection conditions may significantly affect land uses and may require land use restrictions to address those conditions. The AIA indicates the area within which ALUC review of certain land use actions is required. The AIA is indicated on the exhibits prepared for each airport in this chapter and will



serve as the study area for each airport. As discussed in Chapter One, the AIA is also the area within which the state's fair disclosure regulations apply.

Airport Influence Area Land Use Summaries

For the purposes of this plan, the land use discussion is limited to those areas located within the AIA for each airport. It is important to note the distinction between the primary land use concepts (existing land use, existing zoning, and general plan land use) used in evaluating development within the airport environs. Existing land use refers to property improvements as they *exist today*. This information is typically gathered from the county assessor's records. Existing zoning identifies the type of land use permitted on a given piece of property in accordance with the responsible jurisdiction's ordinances and maps.

For Jack McNamara Field, there are two land use jurisdictions: the City of Crescent City and Del Norte County. For Ward Field and Andy McBeth Airports, the land within the vicinity is within unincorporated Del Norte County. However, it is important to note that much of the land within the AIA for the airports is controlled by federal, state or tribal entities and the ALUC has no authority over these lands.

Zoning is the primary regulatory tool for controlling development within a community. A community's zoning ordinance defines the type, size, and density of land uses allowed in the zones illustrated on the zoning map. Examples of zones include Airport, Residential, Commercial, Industrial, and Agricultural.

California Government Code Section 65300 requires each county and city to "adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning." In some cases, the land use allowed in the zoning ordinance or depicted in the general plan may differ from the existing land use.

Sources of data for this discussion include the following:

Existing Land Use: Del Norte County Assessor's Office Local Tax Roll, May 2016

Zoning: City of Crescent City Zoning Map, September 2013

General Plan: City of Crescent City General Plan, 2001; Del Norte County General Plan, 2003

Sphere of Influence

Another important consideration for evaluating planning activities within the vicinity of an airport is the sphere of influence (SOI) of the incorporated cities, or city in this case, of the county. A sphere of influence defines the area within which urban development is to be encouraged, as well as establishing the probable physical boundary and service area of the local government. The Del Norte County Local Agency Formation Commission (LAFCo) defines a SOI as a "plan for the probable physical boundaries and service area of a local government agency as determined by the Commission," such as a city or special district (56076, 56301, 56378 & 56425). A SOI is a planning tool that provides guidance in reviewing proposals,



promotes efficient provision of organized community services, and prevents duplication of services. Spheres of influence designate the territory that LAFCo believes represents the affected agencies' appropriate future jurisdictions and service areas.

The lands lying within the sphere, shown on **Exhibit 2A**, are those that the city may someday propose to incorporate through annexation and these areas are typically included within the scope of a city's general plan. In Del Norte County, there is only one incorporated City, Crescent City. The rest of the County is comprised of 18 unincorporated communities, including: Adams Station, Camp Klamath, Crescent City North, Darlingtonia, Douglas Park, False Klamath, Fort Dick, French Hill, Hoppaw, Idlewild, Klamath Glen, Pacific Shores, Patrick Creek, Requa, Rockland, Scaath, Tryon Corner, and Yontocket.

Aircraft Noise Exposure Contours

Noise contours reflect the anticipated growth of an airport, typically over the subsequent 20 years. The purpose of the contours is to depict average annual and single event noise exposure conditions at each airport. In **Exhibits 4G, 4H, and 4J**, the long range noise exposure contours are depicted for each airport. Noise contours are displayed in five community noise equivalent level (CNEL) increments from 50 to 65 CNEL. Regulation of noise-sensitive land uses and requirements for acoustical treatment are commonly applied within CNEL noise contours in the most affected areas. The CNEL metric weights operations occur in the evening and at night more heavily.

- Evening (7:00 p.m. to 10:00 p.m.): operations increased by 4.77 dB
- Nighttime (10:00 p.m. to 7:00 a.m.): operations increased by 10 dB

The locations of CNEL contours are among the factors used to determine land use compatibility. However, the depicted noise contour boundaries are not absolute determinants of the compatibility. The inherent variability of aircraft flight paths and pilot training that occur at the airport all influence noise emissions in the vicinity of airports. This variability and training activity can create significant single event noise levels that can be disruptive to noise-sensitive land uses.

Title 24 of the California Code of Regulations, known as the California Building Code (CBC), sets 45 dB CNEL as the acceptable interior noise exposure for residential structures (other than detached single-family residences) and other noise-sensitive land uses. In areas where airport noise exposure levels exceed 60 dB CNEL, interior spaces require sound attenuation or an acoustical analysis to demonstrate that airport noise would be reduced to meet the 45 dB standard. The noise level is to be derived from the established ALUCP or, if an ALUCP does not exist, from the noise element of the applicable city or county general plan.

The Handbook states that the most effective way to address overflight annoyance is “to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise.”¹ There are three recommended overflight compatibility strategies:

¹ California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, p. 3-111.



- Promotion of the least noise-sensitive kinds of development;
- Acoustical treatment of the most highly noise-sensitive land uses; and,
- Buyer awareness measures.

AIRPORT ENVIRONS

JACK MCNAMARA FIELD

Airport Setting

Jack McNamara Field is located three miles northwest of Crescent City. It is operated by the Border Coast Regional Airport Authority (BCRAA), and owned by Del Norte County. The BCRAA is a Joint Powers Authority (JPA) with a Board of Directors comprised of representatives from Del Norte County, the City of Crescent City, the Elk Valley Rancheria, the Tolowa Dee-ni' Nation, the City of Brookings (Oregon) and Curry County (Oregon). Redwood Coast Transit Route 2 serves the airport. Without access to many other forms of transit, the airport serves as an important transportation route for business persons and tourists from outside the immediate region.

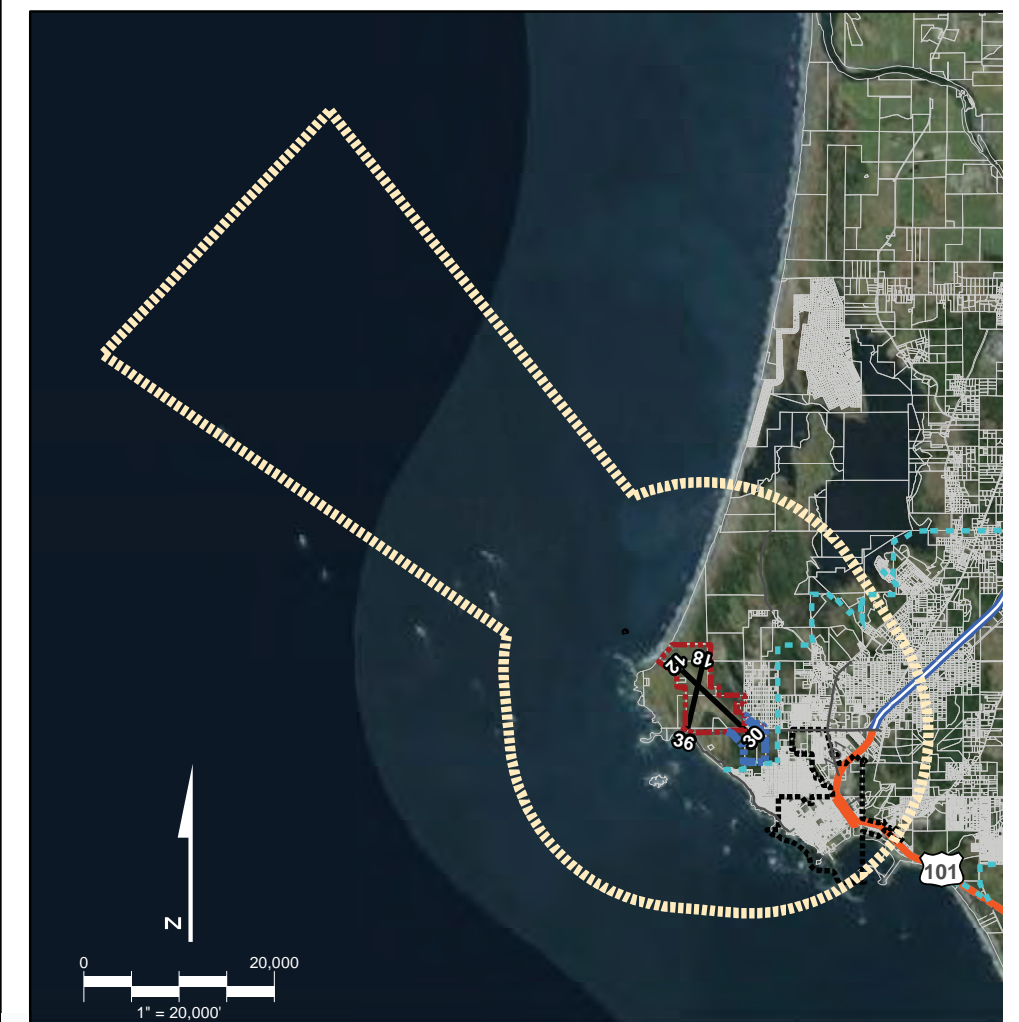
Existing Land Use

Existing land uses, based on information from the Del Norte County Assessor's office tax roll, are depicted on **Exhibit 2B**. As indicated in **Table 2A**, much of the land within the study area is classified as Public (53.4 percent), which includes land within Tolowa Dunes State Park and the Lake Earl Wildlife Area, both managed by the State of California and located north and east of the airport. The next largest amount of land (13.3 percent) is privately owned land that is undeveloped. This is followed by areas of residential development including single and multi-family residences and mobile homes at 19 percent. The remaining area is a mix of commercial development, natural resource areas, including mineral rights and timber preserves, industrial uses, and tribal land.

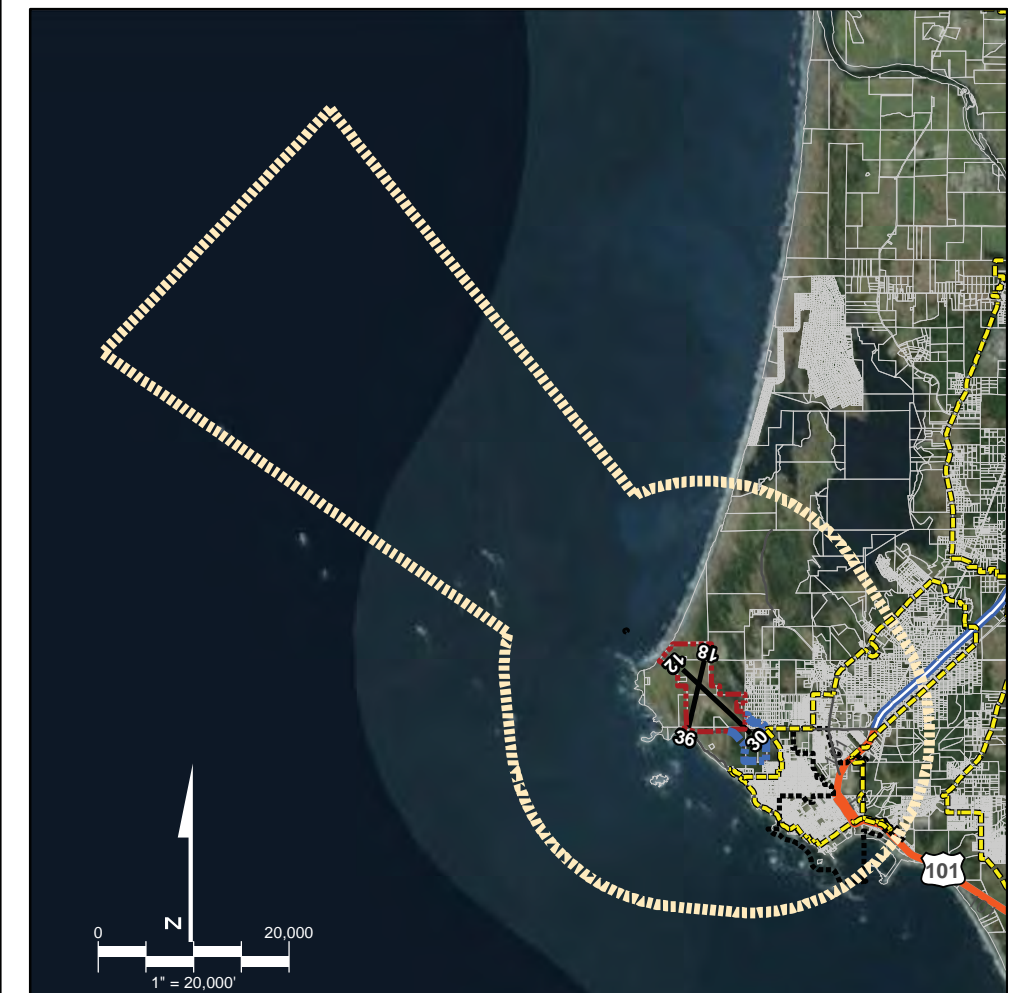
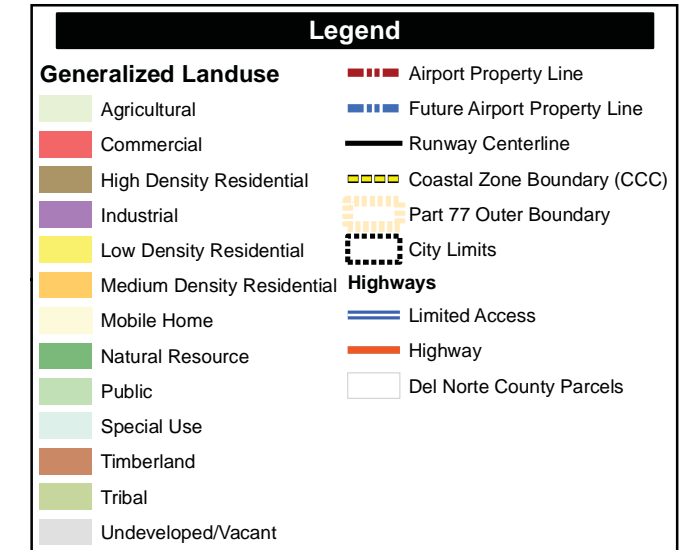
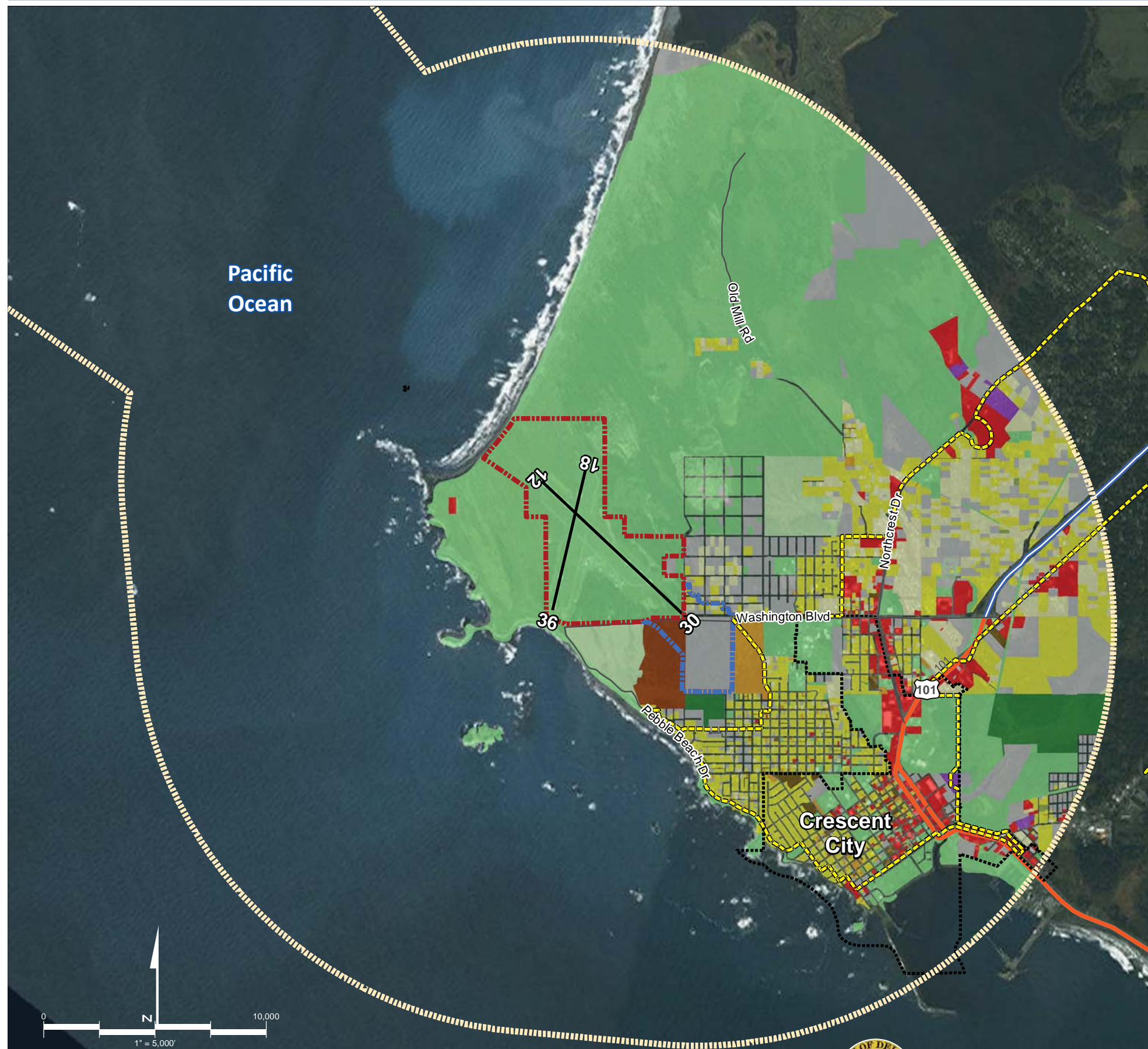




Legend	
	Future Airport Property
	Airport Property Line
	Runway Centerline
	Part 77 Outer Boundary
	City Limits
	Sphere of Influence
Highways	
	Limited Access
	Highway



This page intentionally left blank



This page intentionally left blank

TABLE 2A
Jack McNamara Field
Existing Land Use Summary

Land Use Classification	Total Acres	%
Agricultural	210.2	2.2%
Commercial	364.2	3.9%
High Density Residential	29	0.3%
Industrial	31.7	0.3%
Low Density Residential	1,079.2	11.5%
Medium Density Residential	95.4	1.0%
Mobile Home	462.3	4.9%
Natural Resource	271.2	2.9%
Public	5,000.7	53.4%
Special Use	0.1	<0.1%
Tribal	5.1	0.1%
Undeveloped/Vacant	1,162.9	12.4%
No Data & Right of Way	659	7.0%
Total	9,371	100.00%

Source: Del Norte County Assessor’s Tax Roll, Del Norte County Parcels, Coffman Associates analysis.

Note: Numbers may not add due to rounding.

Zoning

Table 2B summarizes the zoning designation by acreage for the area within the vicinity of Jack McNamara Field. The information presented in this table was digitized from scans of paper maps and limited to the areas within Zones 1-5. As indicated in the table, portions of land within the vicinity of the airport are within the City of Crescent City and some are within unincorporated Del Norte County. As indicated in the table and illustrated on **Exhibit 2C**, much of the land near the airport is zoned as Resource Conservation Area. This is followed by areas zoned as Airport, Public Facility, and Single Family Residential. The remaining areas are zoned with a mix of residential, commercial, and industrial uses. Additional land is identified as an area of natural hazard.



Legend

Runway Centerline	City Zoning High Density Residential (R3)
Coastal Zone Boundary (CCC)	Residential Professional (RP)
County Zoning Airport (AP)	Public Facility (PF)
Low Density Multi-Family (R2)	General Business Commercial (C2)
Single Family Residential (R1)	Downtown Business Commercial (C1)
Planned Community (PC)	
Public Facility (PF)	
General Commercial (C4)	
Manufacturing and Industrial Performance (MP)	
Agriculture (A)	
Natural Hazard (NH)	
Resource Conservation Area (RCA)	
Timberland Preserve (TP)	

Source: City of Crescent City Zoning Data and Del Norte County Zoning Maps.

Note: The zoning information presented on this exhibit was digitized from scans of paper maps and limited to the areas within Zones 1 - 5.



TABLE 2B
Jack McNamara Field
Zoning Summary

Land Use Classification	Total Acres	%
Del Norte County		
Airport	211.0	15.9%
Low Density Multi Family	4.4	0.3%
Single Family Residential	194.7	14.7%
Planned Community	119.7	9.0%
Public Facility	222.5	16.8%
General Commercial	17.7	1.3%
Manufacturing and Industrial Performance	38.2	2.9%
Agriculture	55.8	4.2%
Natural Hazard	6.5	0.5%
Resource Conservation Area	379.6	28.6%
Timberland Preserve	23.2	1.8%
Crescent City		
High Density Residential	19.1	1.4%
Residential Professional	14.4	1.1%
Public Facility	11.5	0.9%
General Business Commercial	2.7	0.2%
Downtown Business Commercial	5.4	0.4%
Total	1326.4	100%

Source: Del Norte County Zoning Maps, Coffman Associates analysis.

Note 1: The information presented in this table was digitized from scans of paper maps and limited to the areas within Zones 1-5.

Note 2: Numbers may not add due to rounding.

General Plan

Exhibit 2D shows the land uses depicted on the City of Crescent City General Plan Land Use Map. Much of the land around the airport are natural resources, primarily forest and shoreline. There is some light industrial south of the airport, with residential development to the east and farther south. The Pacific Ocean is directly west of the airport.

Table 2C includes a summary of the General Plan land uses within the study area. As indicated in the table, much of the land within the study area is designated as “Open” and Public, which includes the airport, Tolowa Dunes State Park, and Lake Earl Wildlife Area. Areas planned for residential land uses (rural, low density, medium density and mobile homes) constitute 25 percent of the planned land uses within the vicinity of the airport. The remaining areas are planned for commercial and industrial land uses.



Legend

Airport Property Line	Urban Mobilehome Park
Future Airport Property	Multi-Family Residential
Runway Centerline	Natural Hazard
Coastal Zone Boundary (CCC)	Resource Conservation Area

General Plan

Agriculture	Open Space
Business-Professional	Public Facility
General Commercial	Rural Neighborhood
General Industrial	Rural Residential
Greenery	Single-Family Residential
Harbor Dependent	Suburban Residential
Harbor Related	Timberland
Light Industrial	Urban Residential
	Visitor Serving Commercial
	Part 77 Outer Boundary

Source: City of Crescent City
 General Plan, Del Norte
 County General Plan, Del
 Norte County Local Coastal
 Program.

Note 1: No Certified Land
 Use Designation

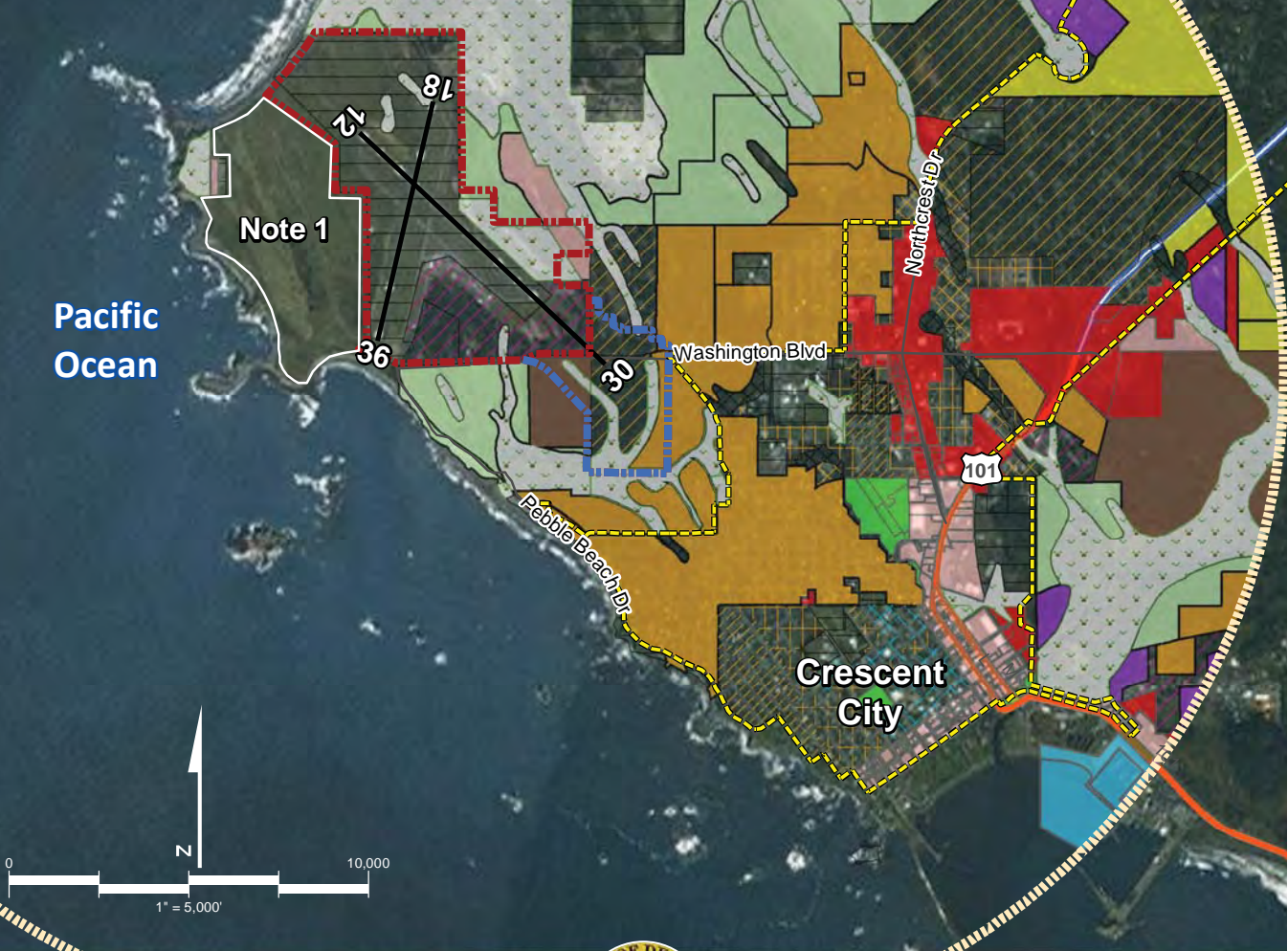


TABLE 2C
Jack McNamara Field
General Plan Land Use Summary

Land Use Classification	Total Acres	%
Agriculture	843	9.5%
Business – Professional	56	0.6%
General Commercial	400	4.5%
General Industrial	130	1.5%
Greenery	3	<0.1%
Harbor Dependent	83	0.9%
Harbor Related	1	<0.1%
Light Industrial	191	2.2%
Multi-Family Residential	180	2.0%
Natural Hazard	74	0.8%
Natural Resources	28	0.3%
Open Space	635	7.2%
Public Facility	748	8.5%
Resource Conservation Area	2,728	30.8%
Road/ROW	156	1.8%
Rural Neighborhood	34	0.4%
Rural Residential	235	2.7%
Single-Family Residential	90	1.0%
Suburban Residential	665	7.5%
Timberland	254	2.9%
Urban Mobile Home Park	64	0.7%
Urban Residential	1,022	11.6%
Visitor Serving Commercial	223	2.5%
Total	8,844	100.0%

Source: Del Norte County General Plan, Coffman Associates analysis.

Note: Numbers may not add due to rounding.

WARD FIELD

Airport Setting

Ward Field is located between the Smith River and US 199 in the unincorporated community of Gasquet. Based on the 2010 U.S. Census, the population of Gasquet is 661. It is a publicly owned, general aviation non-NPIAS facility. It currently serves as an alternate landing for non-commercial aircrafts if Jack McNamara Field is fogged in. It can also be used in emergency situations, such as firefighting or medical evacuations. Redwood Coast Transit Route 199 serves the community of Gasquet.



Existing Land Use

Ward Field is located in a rural setting. As indicated in **Exhibit 2E**, much of the land surrounding the airport is mountainous and heavily forested. There is some low-density residential development surrounding the airport. The Smith River runs north of the airport. There are two other unincorporated communities in the vicinity of the airport – French Hill and Darlingtonia. French Hill is south of the airport, and lies at an elevation of 1,863 feet. It is nestled in the middle of a national forest, with very little development present. Darlingtonia is also mostly undeveloped, with the exception of a few residences. It is located on the south bank of the Middle Fork of the Smith River 1.5 miles southeast of Gasquet, at an elevation of 463 feet.

As summarized in **Table 2D**, a majority of the land within the AIA for Ward Field is classified as Public (83.5 percent), which primarily includes lands within Six Rivers National Forest, which is managed by the U.S. Forest Service. Residential development including single and multi-family residences and mobile homes accounts for approximately 8.2 percent of land within the AIA. The remaining areas are categorized as natural resource, which includes mineral rights and timber preserve areas, and undeveloped land.

TABLE 2D
Ward Field
Existing Land Use Summary

Land Use Classification	Total Acres	%
Low Density Residential	361.7	5.0%
Medium Density Residential	12.4	0.2%
Mobile Home	215.3	3.0%
Commercial	7.7	0.1%
Natural Resource	206.4	2.8%
Public	6,017.3	83.0%
Undeveloped/Vacant	387.2	5.3%
Right of Way	42	0.6%
Total	7,250	100.0%

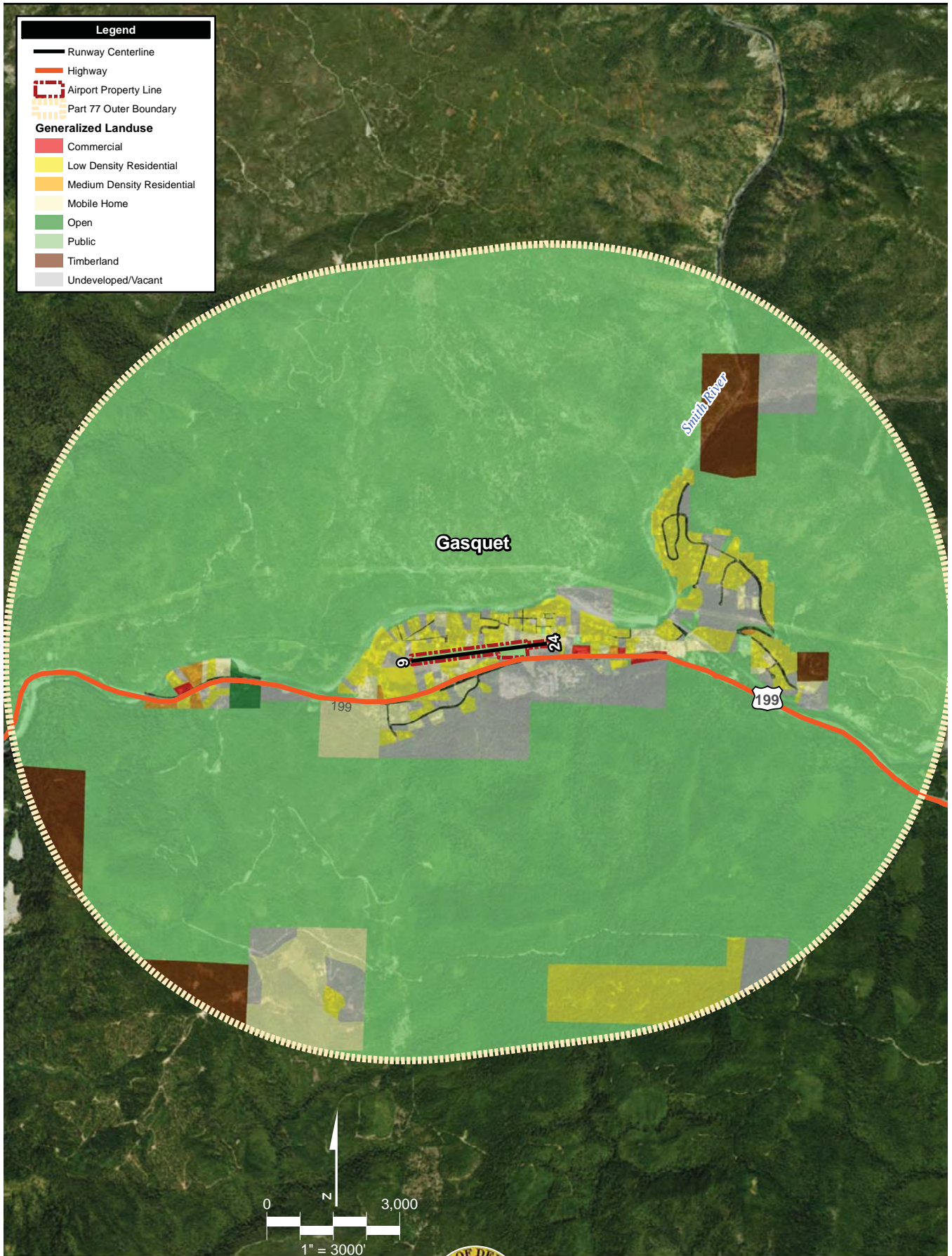
Source: Del Norte County Assessor’s Tax Roll, Del Norte County Parcels, Coffman Associates analysis.

Note: Numbers may not add due to rounding.

Zoning

Exhibit 2F includes zoning information for the area surrounding Ward Field. The information presented in **Table 2E** was digitized from scans of paper maps and limited to the areas within Zones 1-5. Based on the information available, the largest portion of the study area is identified as Residential and Agricultural, followed by Light Commercial, Planned Community and Timberland Preserve.





Legend

- Runway Centerline
- Highway
- Airport Property Line
- Zoning
 - Residential and Agricultural (R1A)
 - Planned Community (PC)
 - Light Commercial (C2)
 - Timberland Preserve (TP)

Source: Del Norte County Zoning Maps

Note: The zoning information presented on this exhibit was digitized from scans of paper maps and limited to the areas within Zones 1 - 5.

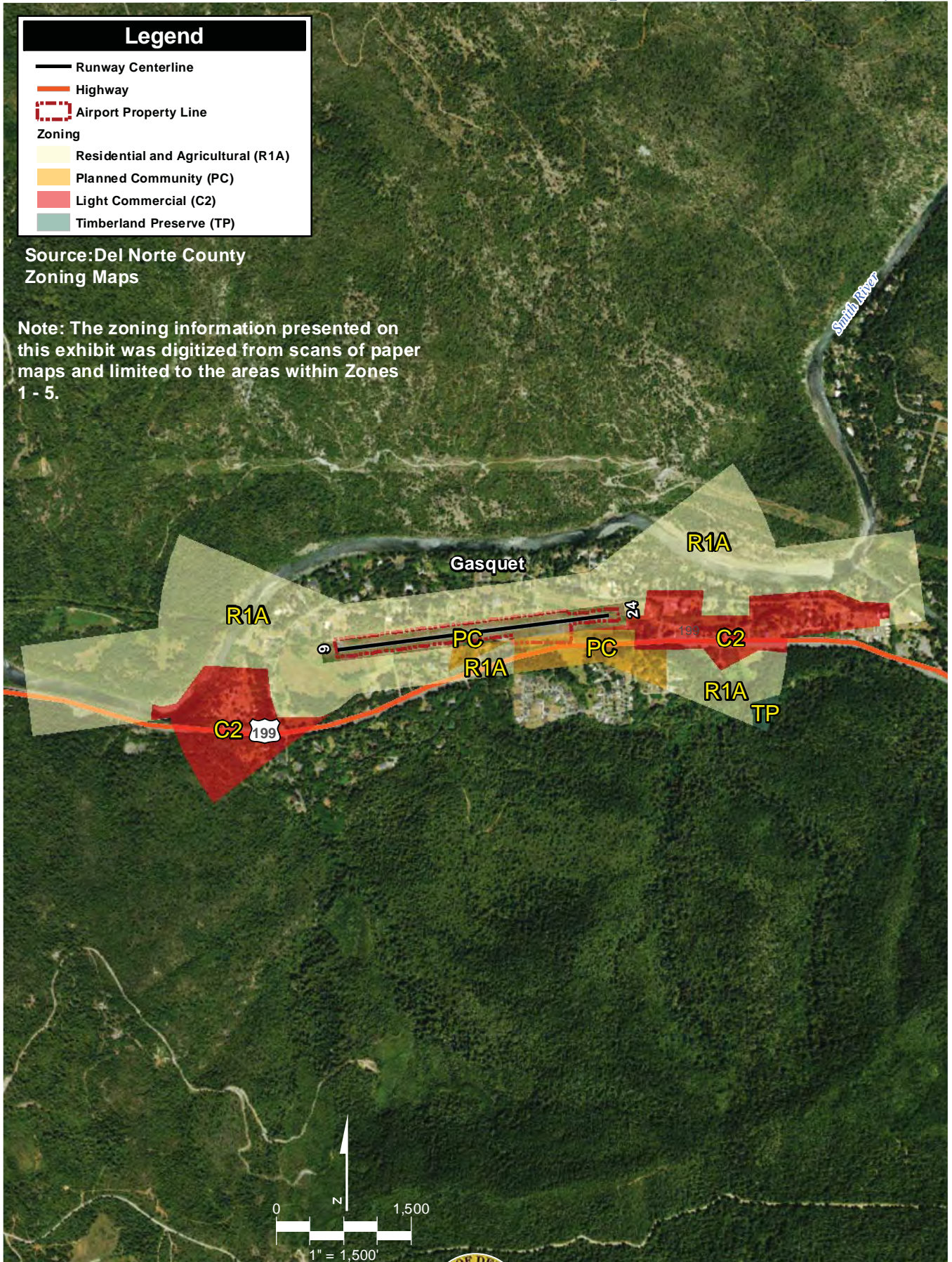


TABLE 2E
Ward Field
Zoning Summary

Land Use Classification	Total Acres	%
Residential and Agricultural	223.7	72.3%
Planned Community	17.3	5.6%
Light Commercial	66.4	21.5%
Timberland Preserve	1.8	0.6%
Total	309.2	100.0%

Source: Del Norte County Zoning Maps, Coffman Associates analysis.

Note 1: Acreage total does not include airport property.

Note 2: The information presented in this table was digitized from scans of paper maps and limited to the areas within Zones 1-5.

Note 3: Numbers may not add due to rounding.

General Plan

Exhibit 2G depicts the Del Norte County General Plan land use designations for the area surrounding Ward Field. As indicated in **Table 2F**, the largest percentage of land in this area is planned for Public land uses, which includes land within Six Rivers National Forest. The remaining areas are planned for Rural Residential, Commercial, and Open land uses. These planning designations are consistent with the existing development pattern for this area.

TABLE 2F
Ward Field
General Plan Land Use Summary

Land Use Classification	Total Acres	%
General Commercial	12	0.2%
Public Facility	43	0.6%
Resource Conservation Area	6	<0.1%
Riparian Corridor	86	1.2%
Rural Neighborhood	36	0.5%
Rural Residential	541	7.5%
State and Federal Lands	5,827	80.4%
Timberland	647	8.9%
Visitor Serving Commercial	52	0.7%
Total	7,250	100%

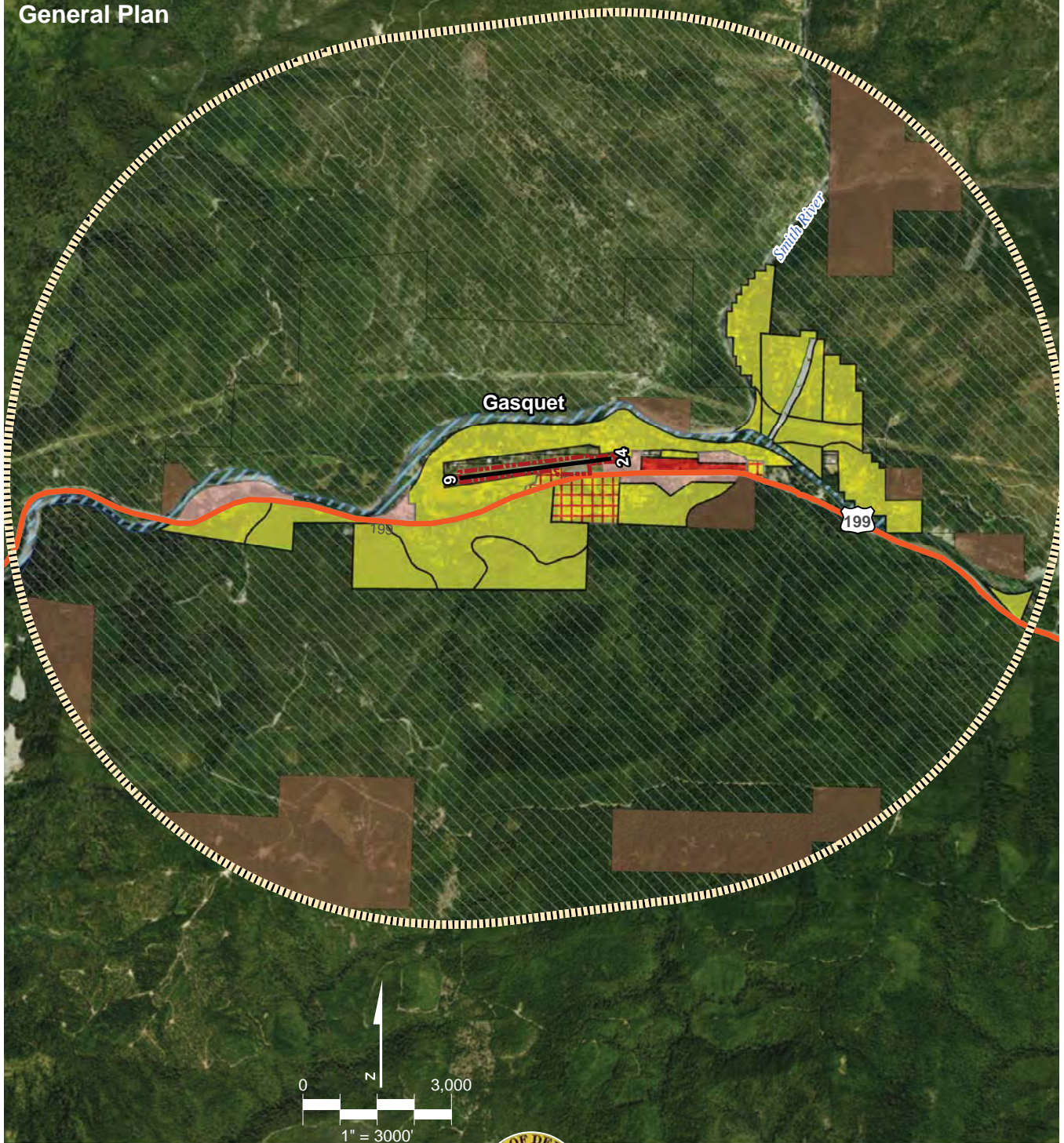
Source: Del Norte County General Plan, Coffman Associates analysis.

Note: Numbers may not add due to rounding.



Legend		
General Plan	General Commercial	Runway Centerline
Timberland	Riparian Cooridor	Airport Property Line
Rural Residential	Public Facility	Airport Influence Area
Rural Neighborhood	Resource Conservation Area	
Visitor Serving Commercial	State and Federal Lands	

Source: Del Norte County General Plan



ANDY MCBETH AIRPORT

Airport Setting

Andy McBeth Airport is located in the unincorporated community of Klamath Glen and the Yurok Tribe, near Highway 169. It sits 42 feet above sea level. The airport is a public general non-NPIAS facility with no onsite aviation services available. The airport is used primarily by private pilots and emergency responders.

Existing Land Use

The existing land development, depicted on **Exhibit 2H**, surrounding Andy McBeth Airport consists some low-density residential to the north, but is primarily surrounded by timber preserve areas. The Klamath River runs along the south and east sides of the airport. There are several residences within the vicinity of the airport, with the greatest concentration nestled between the Airport and Highway 169. The Cal Fire Terwer Valley Station is just north of the airport.

Table 2G summarizes the existing land uses within the vicinity of Andy McBeth Airport. As indicated in the table, a majority of the land (72.5 percent) within the vicinity of the airport is classified as Natural Resource areas which consists primarily of timber preserves. This is followed by privately owned, undeveloped land at 9.8 percent, public land including state and federally managed areas (7 percent), and tribal land which accounts for 3.8 percent. Residential development, including single and multi-family residences and mobile homes, comprises 5 percent of the land use within the study area. The remaining land uses include agriculture and commercial.

TABLE 2G
Andy McBeth Airport
Existing Land Use Summary

Land Use Classification	Total Acres	%
Low Density Residential	104.9	1.5%
Medium Density Residential	14.3	0.2%
High Density Residential	1.3	0.0%
Mobile Home	215.8	3.1%
Commercial	46.9	0.7%
Public	462.7	6.7%
Tribal	248.2	3.6%
Agricultural	59.1	0.9%
Natural Resource	4,745.2	68.3%
Special Use	1.2	0.0%
Undeveloped/Vacant	642	9.2%
Right of Way & River	407.4	5.9%
Total	6,949	100.00%

Source: Del Norte County Assessor’s Tax Roll, Del Norte County Parcels, Coffman Associates analysis.

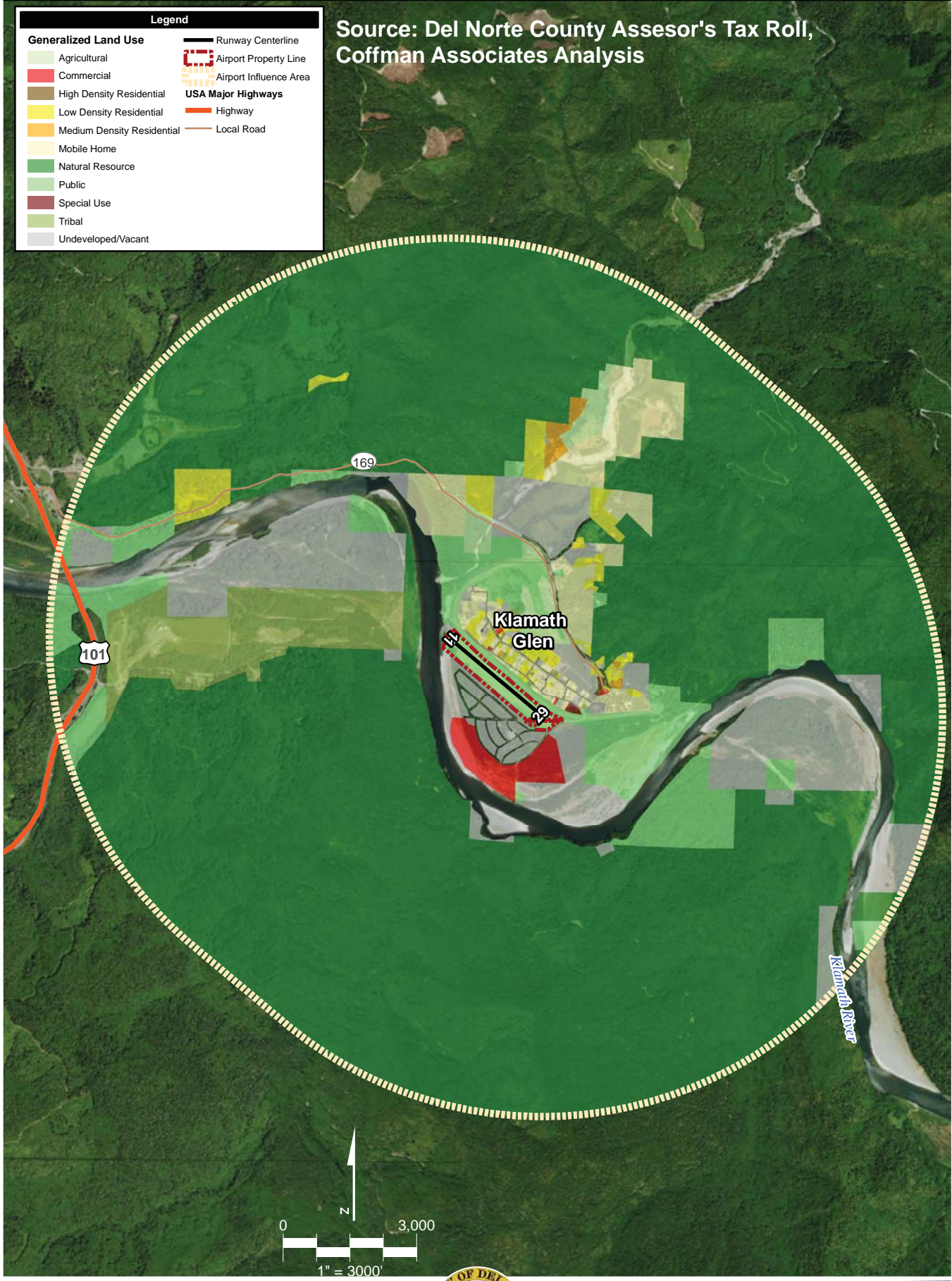
Note: Numbers may not add due to rounding.



Source: Del Norte County Assesor's Tax Roll, Coffman Associates Analysis

Legend

Generalized Land Use	Runway Centerline
Agricultural	Airport Property Line
Commercial	Airport Influence Area
High Density Residential	USA Major Highways
Low Density Residential	Highway
Medium Density Residential	Local Road
Mobile Home	
Natural Resource	
Public	
Special Use	
Tribal	
Undeveloped/Vacant	



Zoning

Exhibit 2J includes zoning information for the area surrounding Andy McBeth Airport. The information presented in **Table 2H** was digitized from scans of paper maps and limited to the areas within Zones 1-5. Based on the information available, the largest portion of the study area is identified as Flood Zone, followed by Single Family Residential, Light Commercial and Forest Recreation.

TABLE 2H
Andy McBeth Airport
Zoning Summary

Land Use Classification	Total Acres	%
Residential	8.8	3.6%
Light Commercial	8.4	3.4%
Flood Zone Area	223.3	91.0%
Forest Recreation	4.8	1.9%
Total	245.4	100.00%

Source: Del Norte County Zoning Maps, Coffman Associates analysis.

Note 1: Acreage total does not include airport property.

Note 2: The information presented in this table was digitized from scans of paper maps and limited to the areas within Zones 1-5.

Note 3: Numbers may not add due to rounding.

General Plan

Table 2J summarizes the Del Norte County General Plan land uses for the Andy McBeth Airport study area. As illustrated on **Exhibit 2K** and shown in the table, a majority of land within this area is designated for Open land uses which includes areas of timber preserve that surround the airport. The remaining designations include Rural Residential, Commercial, Industrial, Public, Agricultural and Tribal lands, which are consistent with the existing development patterns for this area.

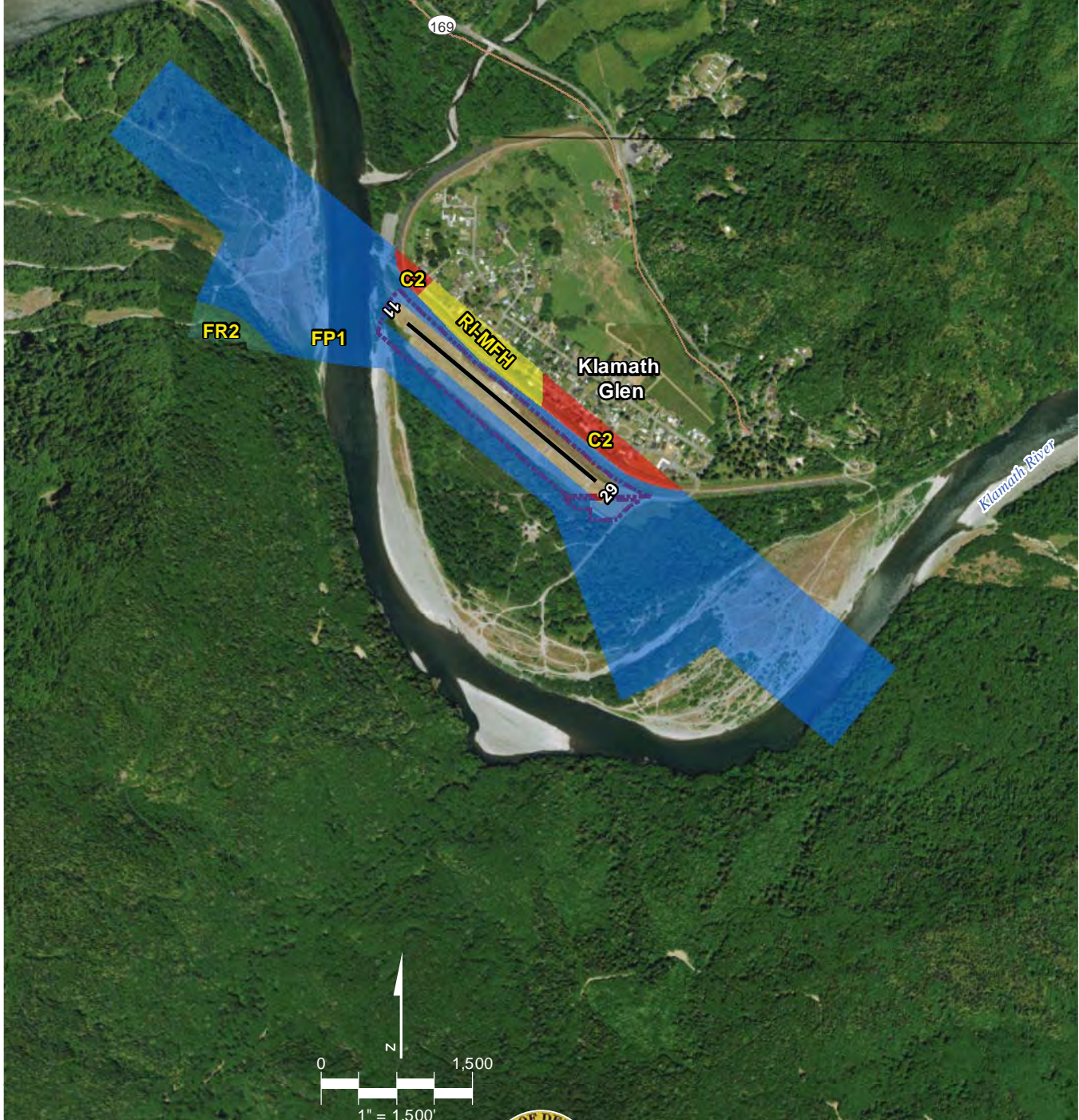


Note: The zoning information presented on this exhibit was digitized from scans of paper maps and limited to the areas within Zones 1 - 5.

Legend

- Runway Centerline
- Airport Property Line
- USA Major Highways
- Local Road
- Zoning**
- Residential (RI-MFH)
- Light Commerical (C2)
- Flood Zone Area (FP1)
- Forest Recreation (FR2)

Source: Del Norte County Zoning Maps



Legend		
General Plan	General Commercial	Runway Centerline
Agricultural	General Industrial	Airport Property Line
Timberland	Public Facility	Airport Influence Area
Rural Residential	Riparian Corridor	
Rural Neighborhood	Resource Conservation Area	
Visitor Serving Commercial	Tribal Lands	

Source: Del Norte County General Plan.

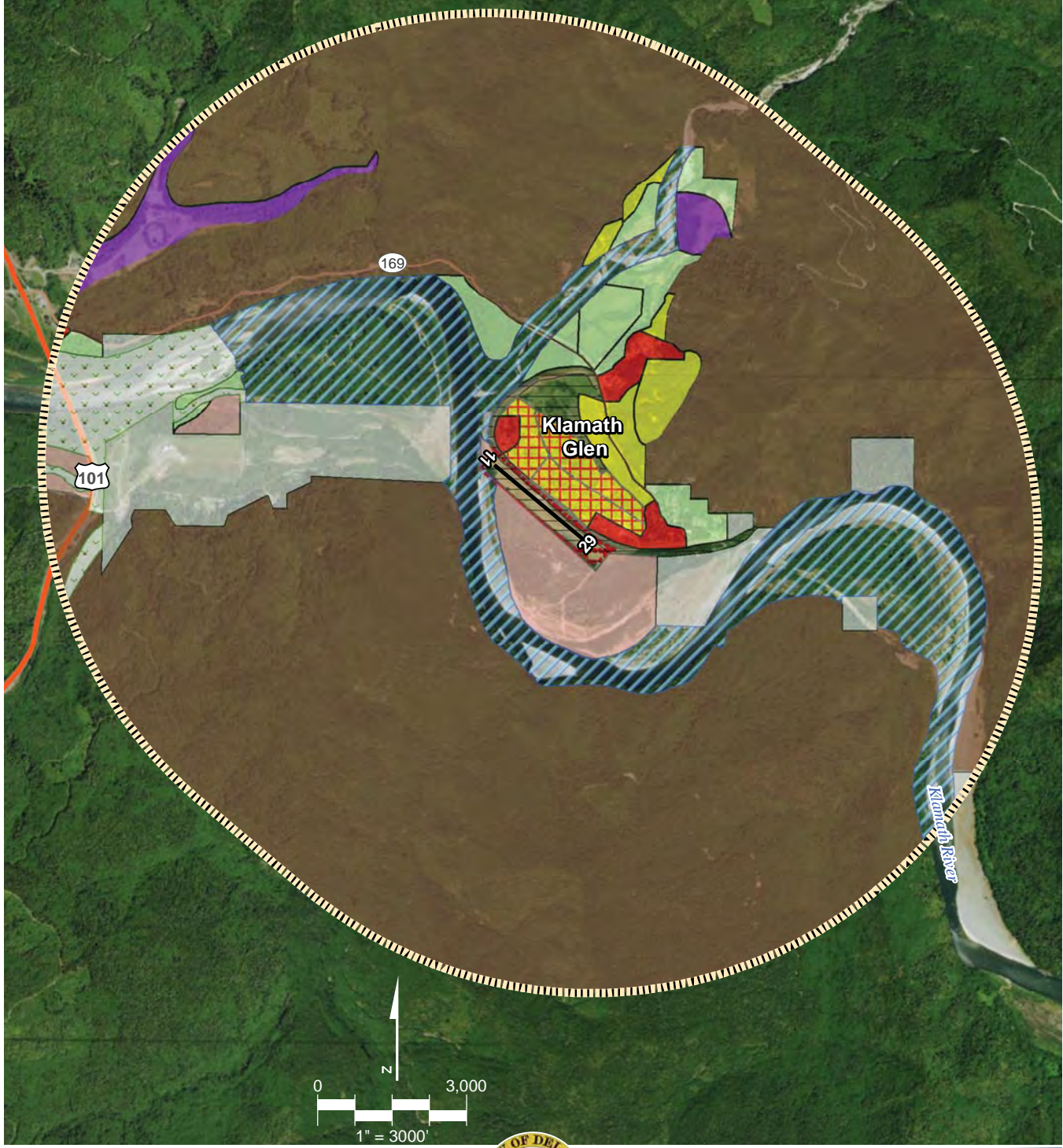


TABLE 2J
Andy McBeth Airport
General Plan Land Use Summary

Land Use Classification	Total Acres	%
Agricultural	185	2.7%
General Commercial	52	0.7%
General Industrial	110	1.6%
Public Facility	87	1.2%
Resource Conservation Area	158	2.3%
Riparian Corridor	824	11.9%
Rural Residential	76	1.1%
Timberland	4,787	68.9%
Tribal Lands	392	5.6%
Visitor Serving Commercial	179	2.6%
Total	6,949	100%

Source: Del Norte County General Plan, Coffman Associates analysis.

Note: Numbers may not add due to rounding.

REFERENCES

City of Crescent City General Plan, 2001

Crescent City Zoning Map, 2013

Del Norte County Zoning Maps

Del Norte Regional Transportation Plan, 2011

Del Norte Regional Transportation Plan, 2016 (DRAFT)

California Aviation System Plan, 2013 Inventory Element





Chapter Three

AIRPORT INFORMATION

Chapter Three

AIRPORT INFORMATION

Airport Land Use Compatibility Plan
Del Norte County

INTRODUCTION

Each of the three airports within Del Norte County has distinctive facilities, operating characteristics, and future development plans. This chapter provides an overview of the existing and future airport facilities and aircraft operations. Before reviewing each airport separately, an explanation of what the facility and operations data include is discussed.

AIRPORT FACILITIES

Airport facility information is based upon several sources including the most recent airport layout plan (ALP) drawings and the Federal Aviation Administration's (FAA) Chart Supplements (formerly Airport/Facilities Directory). Airport facilities essential for the Airport Land Use Compatibility Plan (ALUCP) update include runway orientation, runway length, runway strength, runway lighting, approach and departure procedures, and traffic pattern.

Future facilities are also an important component for developing an airport compatibility plan. California State law (Section 21675[a]) declares that the ALUCP "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." Future facilities for each airport will be based upon the FAA-approved ALP for Jack McNamara Field and the Caltrans approved airport layout drawings for Ward Field and Andy McBeth Airports.



AIRPORT OPERATIONS

An airport operation is defined as either an aircraft arrival to or a departure from an airport. Airport operations can be further categorized as either local operations or itinerant operations. Local operations include those operations that: (a) Operate in the local traffic pattern or within sight of the airport; (b) Are known to be departing for, or arriving from, flight in local practice areas within a 20-mile radius of the airport; and (c) Execute simulated instrument approaches or low passes at the airport. Itinerant operations are operations that originate at a different airport or operations that occur outside the local traffic pattern of the airport. Operations by visiting aircraft, some flight training operations, and recreational flights to other airports are counted as itinerant operations.

Each section of this chapter will have a table listing the respective operations by aircraft type and category. The table will also include a 20-year airport operations forecast consistent with California State law (Section 21675[a]) as described above.

AIRPORT INFORMATION

The following sections provide an overview of each airport affected by this plan, including existing and planned land uses and existing and future airport facilities, operations, and noise exposure contours.

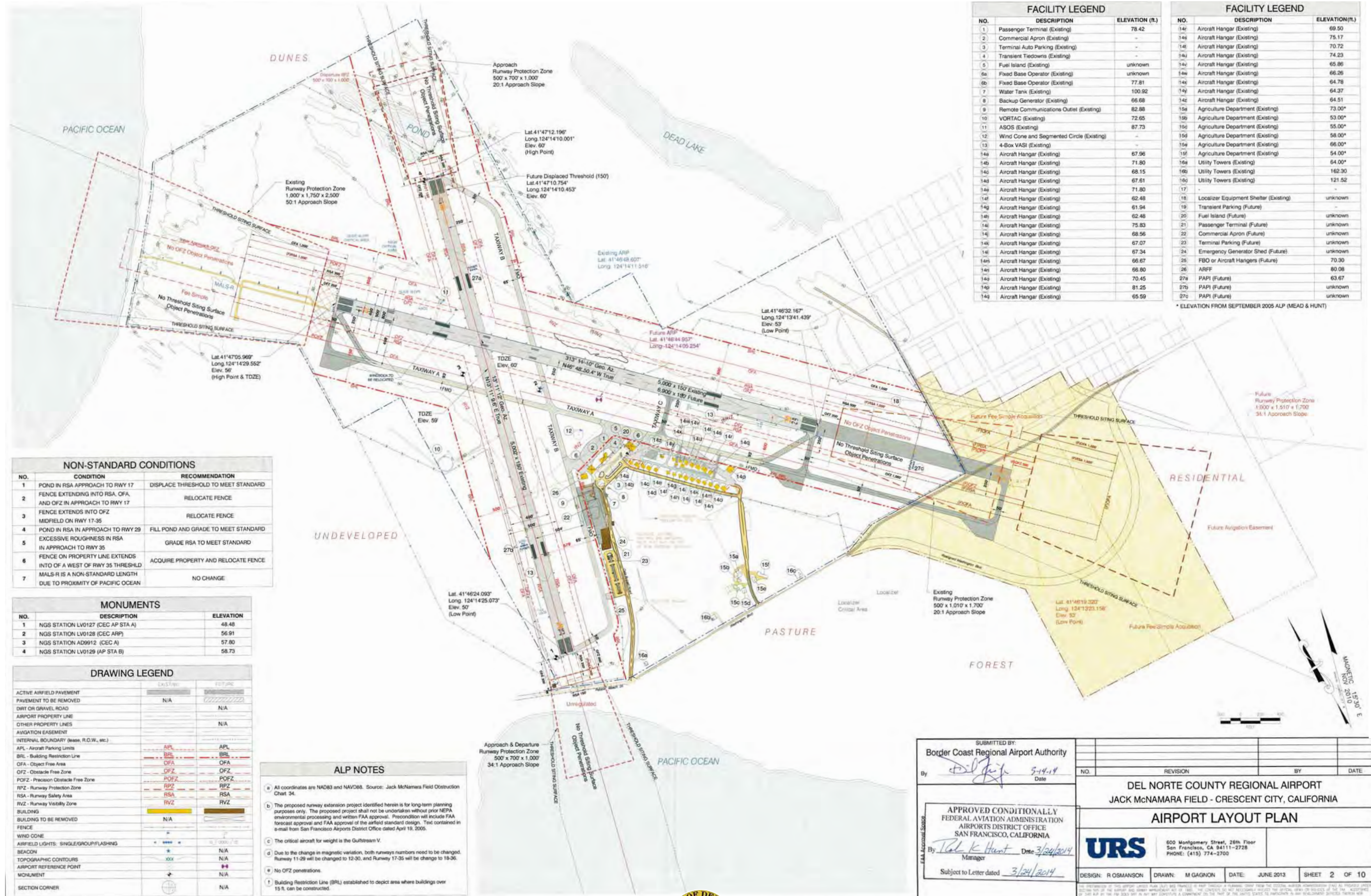
JACK MCNAMARA FIELD (CEC)

Airport Facilities

Jack McNamara Field is owned by Del Norte County and operated by the Border Coast Regional Airport Authority (BCRAA) which is a Joint Powers Authority (JPA) with a Board of Commissioners comprised of representatives from Del Norte County, the City of Crescent City, the Elk Valley Rancheria, Smith River Rancheria, the City of Brookings, Oregon and Curry County, Oregon.

Jack McNamara Field is served by two runways. Runway 18/36 is 5,001 feet long and 150 feet wide, and is oriented north/south. Runway 12/30 is 5,000 feet long and 150 feet wide, and aligned to the north-west and southeast. Both runways are constructed of asphalt and have a single-wheel load (SWL) bearing capacity of 30,000 pounds and a double-wheel load (DWL) of 43,000 pounds. Runway 18/36 has Medium Intensity Runway Lights (MIRL). Runway 12 has a High Intensity Runway Lights (HIRL) with runway alignment lights (MALSR) to provide runway alignment guidance for pilots in reduced visibility conditions. Runways 18, 36, and 30 are all equipped with Runway End Identifier Lights (REIL). Jack McNamara Field is the only airport in the County with an Instrumental Landing System (ILS) on Runway 12. Runways 30 and 36 are both equipped with four-light visual approach slope indicator (VASI V4L) lights. All runways at Jack McNamara Field have a standard left hand traffic pattern. Additional details regarding the facilities at Jack McNamara Field can be found on **Exhibit 3A** and in **Table 3A**.





FACILITY LEGEND		
NO.	DESCRIPTION	ELEVATION (ft.)
1	Passenger Terminal (Existing)	78.42
2	Commercial Apron (Existing)	-
3	Terminal Auto Parking (Existing)	-
4	Transient Tiedowns (Existing)	-
5	Fuel Island (Existing)	unknown
6a	Fixed Base Operator (Existing)	unknown
6b	Fixed Base Operator (Existing)	77.81
7	Water Tank (Existing)	100.92
8	Backup Generator (Existing)	66.68
9	Remote Communications Outlet (Existing)	82.88
10	VORTAC (Existing)	72.65
11	ASOS (Existing)	87.73
12	Wind Cone and Segmented Circle (Existing)	-
13	4-Box VASI (Existing)	-
14a	Aircraft Hangar (Existing)	67.96
14b	Aircraft Hangar (Existing)	71.80
14c	Aircraft Hangar (Existing)	68.15
14d	Aircraft Hangar (Existing)	67.61
14e	Aircraft Hangar (Existing)	71.80
14f	Aircraft Hangar (Existing)	62.48
14g	Aircraft Hangar (Existing)	61.94
14h	Aircraft Hangar (Existing)	62.48
14i	Aircraft Hangar (Existing)	75.83
14j	Aircraft Hangar (Existing)	68.56
14k	Aircraft Hangar (Existing)	67.07
14l	Aircraft Hangar (Existing)	67.34
14m	Aircraft Hangar (Existing)	66.67
14n	Aircraft Hangar (Existing)	66.80
14o	Aircraft Hangar (Existing)	70.45
14p	Aircraft Hangar (Existing)	81.25
14q	Aircraft Hangar (Existing)	65.59
14r	Aircraft Hangar (Existing)	69.50
14s	Aircraft Hangar (Existing)	75.17
14t	Aircraft Hangar (Existing)	70.72
14u	Aircraft Hangar (Existing)	74.23
14v	Aircraft Hangar (Existing)	66.86
14w	Aircraft Hangar (Existing)	66.26
14x	Aircraft Hangar (Existing)	64.78
14y	Aircraft Hangar (Existing)	64.37
14z	Aircraft Hangar (Existing)	64.51
15a	Agriculture Department (Existing)	73.00*
15b	Agriculture Department (Existing)	53.00*
15c	Agriculture Department (Existing)	55.00*
15d	Agriculture Department (Existing)	58.00*
15e	Agriculture Department (Existing)	66.00*
15f	Agriculture Department (Existing)	54.00*
15g	Utility Towers (Existing)	64.00*
15h	Utility Towers (Existing)	162.30
15i	Utility Towers (Existing)	121.52
17	-	-
18	Localizer Equipment Shelter (Existing)	unknown
19	Transient Parking (Future)	-
20	Fuel Island (Future)	unknown
21	Passenger Terminal (Future)	unknown
22	Commercial Apron (Future)	unknown
23	Terminal Parking (Future)	unknown
24	Emergency Generator Shed (Future)	unknown
25	FBO or Aircraft Hangers (Future)	70.30
26	ARFF	80.08
27a	PAPI (Future)	63.67
27b	PAPI (Future)	unknown
27c	PAPI (Future)	unknown

FACILITY LEGEND		
NO.	DESCRIPTION	ELEVATION (ft.)
14r	Aircraft Hangar (Existing)	69.50
14s	Aircraft Hangar (Existing)	75.17
14t	Aircraft Hangar (Existing)	70.72
14u	Aircraft Hangar (Existing)	74.23
14v	Aircraft Hangar (Existing)	66.86
14w	Aircraft Hangar (Existing)	66.26
14x	Aircraft Hangar (Existing)	64.78
14y	Aircraft Hangar (Existing)	64.37
14z	Aircraft Hangar (Existing)	64.51
15a	Agriculture Department (Existing)	73.00*
15b	Agriculture Department (Existing)	53.00*
15c	Agriculture Department (Existing)	55.00*
15d	Agriculture Department (Existing)	58.00*
15e	Agriculture Department (Existing)	66.00*
15f	Agriculture Department (Existing)	54.00*
15g	Utility Towers (Existing)	64.00*
15h	Utility Towers (Existing)	162.30
15i	Utility Towers (Existing)	121.52
17	-	-
18	Localizer Equipment Shelter (Existing)	unknown
19	Transient Parking (Future)	-
20	Fuel Island (Future)	unknown
21	Passenger Terminal (Future)	unknown
22	Commercial Apron (Future)	unknown
23	Terminal Parking (Future)	unknown
24	Emergency Generator Shed (Future)	unknown
25	FBO or Aircraft Hangers (Future)	70.30
26	ARFF	80.08
27a	PAPI (Future)	63.67
27b	PAPI (Future)	unknown
27c	PAPI (Future)	unknown

* ELEVATION FROM SEPTEMBER 2005 ALP (MEAD & HUNT)

NON-STANDARD CONDITIONS		
NO.	CONDITION	RECOMMENDATION
1	POND IN RSA APPROACH TO RWY 17	DISPLACE THRESHOLD TO MEET STANDARD
2	FENCE EXTENDING INTO RSA, OFA, AND OFZ IN APPROACH TO RWY 17	RELOCATE FENCE
3	FENCE EXTENDS INTO OFZ MIDFIELD ON RWY 17-35	RELOCATE FENCE
4	POND IN RSA IN APPROACH TO RWY 29	FILL POND AND GRADE TO MEET STANDARD
5	EXCESSIVE ROUGHNESS IN RSA IN APPROACH TO RWY 35	GRADE RSA TO MEET STANDARD
6	FENCE ON PROPERTY LINE EXTENDS INTO OFA WEST OF RWY 35 THRESHOLD	ACQUIRE PROPERTY AND RELOCATE FENCE
7	MALS-R IS A NON-STANDARD LENGTH DUE TO PROXIMITY OF PACIFIC OCEAN	NO CHANGE

MONUMENTS		
NO.	DESCRIPTION	ELEVATION
1	NGS STATION LV0127 (CEC AP STA A)	48.48
2	NGS STATION LV0128 (CEC ARP)	56.91
3	NGS STATION AD9912 (CEC A)	57.80
4	NGS STATION LV0129 (AP STA B)	58.73

DRAWING LEGEND		
	EXISTING	FUTURE
ACTIVE AIRFIELD PAVEMENT		
PAVEMENT TO BE REMOVED	N/A	
DIRT OR GRAVEL ROAD		N/A
AIRPORT PROPERTY LINE		N/A
OTHER PROPERTY LINES		N/A
AVIGATION EASEMENT		
INTERNAL BOUNDARY (lease, R.O.W., etc.)		
APL - Aircraft Parking Lines	APL	APL
BRL - Building Restriction Line	BRL	BRL
OFA - Object Free Area	OFA	OFA
OFZ - Obstacle Free Zone	OFZ	OFZ
POFZ - Precision Obstacle Free Zone	POFZ	POFZ
RPZ - Runway Protection Zone	RPZ	RPZ
RSA - Runway Safety Area	RSA	RSA
RVZ - Runway Visibility Zone	RVZ	RVZ
BUILDING		
BUILDING TO BE REMOVED	N/A	
FENCE		
WIND CONE		
AIRFIELD LIGHTS: SINGLE/GROUP/FLASHING		
BEACON	*	N/A
TOPOGRAPHIC CONTOURS	xxx	N/A
AIRPORT REFERENCE POINT	+	N/A
MONUMENT	+	N/A
SECTION CORNER		N/A

ALP NOTES

- All coordinates are NAD83 and NAVD83. Source: Jack McNamara Field Obstruction Chart 34.
- The proposed runway extension project identified herein is for long-term planning purposes only. The proposed project shall not be undertaken without prior NEPA environmental processing and written FAA approval. Prerequisite will include FAA forecast approval and FAA approval of the airport standard design. Text contained in e-mail from San Francisco Airports District Office dated April 19, 2005.
- The critical aircraft for weight is the Gulfstream V.
- Due to the change in magnetic variation, both runway numbers need to be changed. Runway 11-29 will be changed to 12-30, and Runway 17-35 will be changed to 18-36.
- No OFZ penetrations.
- Building Restriction Line (BRL) established to depict area where buildings over 15 ft. can be constructed.

SUBMITTED BY:
Border Coast Regional Airport Authority

By: *[Signature]* Date: 5-19-13

APPROVED CONDITIONALLY
 FEDERAL AVIATION ADMINISTRATION
 AIRPORTS DISTRICT OFFICE
 SAN FRANCISCO, CALIFORNIA

By: *[Signature]* Date: 3/24/2014
 Manager

Subject to Letter dated 3/24/2014

NO.	REVISION	BY	DATE

DEL NORTE COUNTY REGIONAL AIRPORT
JACK McNAMARA FIELD - CRESCENT CITY, CALIFORNIA

AIRPORT LAYOUT PLAN

URS 800 Montgomery Street, 26th Floor
 San Francisco, CA 94111-2728
 PHONE: (415) 774-2700

DESIGN: R OSMANSON DRAWN: M GAGNON DATE: JUNE 2013 SHEET 2 OF 10



This page intentionally left blank

TABLE 3A
Airside Facility Data
Jack McNamara Field

	Runway 18/36		Runway 12/30	
Length (ft.)	5,001		5,000	
Width (ft.)	150		150	
Surface Material	Asphalt		Asphalt	
Load Bearing Strength				
Single Wheel Loading	30,000 lbs.		30,000 lbs.	
Double Wheel Loading	43,000 lbs.		43,000 lbs.	
Instrument Approach Procedures	Rwy 18 None	Rwy 36 RNAV/GPS, VOR/DME	Rwy 12 ILS, LOC, RNAV/GPS, VOR/DME, VOR	Rwy 30 None
Approach Aids	Rwy 18 REIL	Rwy 36 REIL VASI (V4L)	Rwy 12 Localizer, MALSR	Rwy 30 REIL VASI (V4L)
Pavement Edge Lighting	MIRL		HIRL	
Displaced Threshold (ft.)	Rwy 18 150 ft.	Rwy 36 None	Rwy 12 None	Rwy 30 None
Fixed Wing Aircraft Traffic Pattern	Left	Left	Left	Left
Weather Reporting	ASOS			

Source:

- AirNav, April 14, 2016
- Federal Aviation Administration Chart Supplements, April 14, 2016

Key:

- ILS – Instrument Landing System
- VASI (V4L) – 4-box Visual Approach Slope Indicator on left side of runway
- REIL – Runway End Identifier Lights
- RNAV – Area Navigation
- GPS – Global Positioning System
- VOR/DME – Very high frequency omnidirectional radio range with distance measuring equipment
- VOR – Very high frequency omnidirectional radio range
- MIRL – Medium Intensity Runway Lights
- HIRL – High Intensity Runway Lights
- MALSR – Medium Intensity Approach Lighting System
- ASOS – Automated Surface Observing System

Future Airport Plans

The airport recently constructed an expansion to the runway safety area (RSA) with grants from the Federal Aviation Administration, Caltrans and the Oregon Department of Transportation. As previously mentioned, BRCAA has representation from Brookings, Oregon and Curry County, Oregon. This allowed for the grant eligibility from the State of Oregon for a project in California.

Based on information from the California Aviation System Plan, Capital Improvement Plan 2014-2023, the airport has additional future plans, including:



- Installing Precision Approach Path Indicator (PAPI), 2016
- Installing taxiway lighting, 2018 – 2019
- Constructing a terminal parking lot (work on this project commenced in May 2016)
- Constructing a new terminal apron and terminal building (work on this project commenced in May 2016)
- Extending Runway 12/30, 2022

Airport Activity Data

In September 2015, Jack McNamara Field started offering commercial flights between Portland and Crescent City two times per day through a partnership with PenAir and Alaska Airlines. It is the only airport that provides commercial airline passenger service in the County.

Del Norte County Airport operations data and aircraft fleet mix is presented in **Table 3B**. Based on FAA’s Terminal Area Forecasts, the airport is expected to have 12,565 operations in 2036. As indicated in the table, this includes a mix of general aviation, commercial and military aircraft.

TABLE 3B
Jack McNamara Field Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016 ¹	2036 ²
Itinerant			
Single Engine, Fixed	GASEPF	250	460
Single Engine, Variable	GASEPV	488	893
Twin Engine	BEC58P	168	307
Turboprop	CNA441	405	742
Business Jet	CIT3	84	153
Commercial Turboprop	SF340	1,456	1,456
Military Turboprop, Large	C-130E	14	26
Military Turboprop, Small	DHC6	110	26
Military Helicopter	SA365N	14	203
Subtotal		2,989	4,266
Local			
Single Engine, Fixed	GASEPF	1,420	2,299
Single Engine, Variable	GASEPV	2,760	4,469
Twin Engine	BEC58P	946	1,532
Subtotal		5,126	8,300
Grand Total		8,115	12,566

Source:

¹Fleet mix based on assumptions included in the Jack McNamara Field Terminal Replacement EA/EIR, 2009. Updated to reflect introduction of commercial service.

²FAA Terminal Area Forecast, issued January 2016
Coffman Associates analysis

Notes:

SA365N is AEDT civilian designation for USCG HH-65
DHC6 is AEDT substitution for C-12



WARD FIELD (009)

Airport Facilities

Ward Field is owned and operated by Del Norte County. Ward Field has one runway (6/24) that measures 2,990 feet in length and 50 feet in width. It is oriented to the northwest/southeast and is overlaid with asphalt. Runway 6/24 has a single-wheel load bearing strength of 12,000 pounds. There are no instrument approach procedures, approach aids, or pavement edge lighting. There is a displaced threshold of 500 feet on Runway 6 and a displaced threshold of 490 feet on Runway 24. The traffic pattern is left for both runway ends. Additional details regarding the facilities at Ward Field can be found on **Exhibit 3B** and **Table 3C**.

TABLE 3C
Airside Facility Data
Ward Field

	Runway 6/24	
Length (ft.)	2,990	
Width (ft.)	50	
Surface Material	Asphalt	
Load Bearing Strength Single Wheel Loading (SWL)	12,000 lbs.	
Instrument Approach Procedures	None	
Approach Aids	None	
Pavement Edge Lighting	None	
Displaced Threshold (ft.)	Rwy 6 500	Rwy 24 490
Fixed Wing Aircraft Traffic Pattern	Left	Left
Weather Reporting	None	

Source:

AirNav, April 14, 2016

Federal Aviation Administration Chart Supplements, April 14, 2016

Future Airport Plans

Based on information from the California Aviation System Plan, Capital Improvement Plan 2014-2023, Ward Field has several short- and long-term aviation improvement projects planned for the coming years, including:

- Adding perimeter fencing, 2021
- Clearing obstructions, 2016 – 2030
- Adding a slurry seal runway and apron, 2022



Airport Activity Data

Aircraft operations and aircraft fleet mix information for Ward Field is included in **Table 3D**. The airport has six based aircraft, all of which are single engine aircraft. As indicated in the table, the fleet mix is anticipated to include only single engine aircraft. The 20-year forecast for the airport is 3,898 operations.

TABLE 3D
Ward Field Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016 ¹	2036 ²
Itinerant			
Single Engine, Fixed	GASEPF	750	1,462
Single Engine, Variable	GASEPV	750	1,462
Subtotal		1,500	2,924
Local			
Single Engine, Fixed	GASEPF	250	487
Single Engine, Variable	GASEPV	250	487
Subtotal		500	974
Grand Total		2,000	3,898

Source: ¹ FAA 5010 Airport Master Record, operations for 12 months ending 12/31/2014

²Model for Estimating General Aviation Operations at Non-Towered Airports (GRA, Inc. 2001)
Coffman Associates Analysis

ANDY MCBETH AIRPORT (\$51)

Airport Facilities

Andy McBeth Airport is owned and operated by Del Norte County. Andy McBeth Airport is served by one runway, Runway 11/29, which is 2,400 feet long and 50 feet wide, and is oriented east and west. The Runway is not equipped with any approach aids and has no displaced thresholds on either runway end. The traffic pattern is right on Runway 11 and left on Runway 29. Additional information regarding the runways at Andy McBeth Airport can be found on **Exhibit 3C** and **Table 3E**.

Future Airport Plans

Based on information from the California Aviation System Plan, Capital Improvement Plan 2014-2023, Andy McBeth Airport has several improvement projects planned for the future, including:

- Clearing obstructions from Runway 11/29, 2016
- Updating the Airport Layout Plan (ALP), 2019
- Overlaying and restriping Runway 11/29, 2017
- Clearing other airport obstructions, 2016 – 2030



This page intentionally left blank

This page intentionally left blank

TABLE 3E
Airside Facility Data
Andy McBeth Airport

	Runway 11/29	
Length (ft.)	2,400	
Width (ft.)	50	
Surface Material	Asphalt	
Load Bearing Strength Single Wheel Loading (SWL)	12,000 lbs.	
Instrument Approach Procedures	None	
Approach Aids	None	
Pavement Edge Lighting	None	
Displaced Threshold (ft.)	Rwy 11 None	Rwy 29 None
Fixed Wing Aircraft Traffic Pattern	Rwy 11 Right	Rwy 29 Left
Weather Reporting	None	

Source:

AirNav, April 14, 2016

Federal Aviation Administration Chart Supplements, April 14, 2016

Airport Activity Data

Aircraft operations and aircraft fleet mix information is included in **Table 3F**. As indicated in the table, the fleet mix is anticipated to include only single engine aircraft. The 20-year forecast for the airport is 1,826 operations.

TABLE 3F
Andy McBeth Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016 ¹	2036 ²
Itinerant			
Single Engine, Fixed	GASEPF	450	685
Single Engine, Variable	GASEPV	450	685
Subtotal		900	1,370
Local			
Single Engine, Fixed	GASEPF	150	228
Single Engine, Variable	GASEPV	150	228
Subtotal		300	456
Grand Total		1,200	1,826

Source:

¹ FAA 5010 Airport Master Record, operations for 12 months ending 12/31/2014

²Model for Estimating General Aviation Operations at Non-Towered Airports (GRA, Inc. 2001)

Coffman Associates Analysis



REFERENCES

Border Coast Regional Airport Authority

California Aviation System Plan, Capital Improvement Plan 2014-2023, Del Norte Regional Transportation Plan, 2011

Del Norte Regional Transportation Plan, 2016 (DRAFT)

Airport IQ 5010, April 14, 2016

Federal Aviation Administration Chart Supplements, April 14, 2016

AirNav, April 14, 2016





Chapter Four

COMPREHENSIVE LAND USE POLICIES

Chapter Four

COMPREHENSIVE LAND USE POLICIES

Airport Land Use Compatibility Plan

Del Norte County

The following policies are intended to ensure compatible development in the area surrounding the public use airports in Del Norte County. It has been developed with guidance from the *California Airport Land Use Planning Handbook* published in January 2011.

4.0 DEFINITIONS

The following definitions apply for the purposes of the policies set forth in this document:

4.0.1. Aeronautics Act: Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.

4.0.2. Airport Influence Area (AIA): An area, as delineated in this Chapter 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 area within which certain land use actions are subject to ALUC review.

4.0.3. Airport Land Use Commission (ALUC): The Del Norte County Airport Land Use Commission.

4.0.4. Airport Land Use Compatibility Plan (ALUCP): The Del Norte County Airport Land Use Compatibility Plan.



4.0.5. Avigation Easement: An easement that conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc.

4.0.6. Code of Federal Aviation Regulations (CFR) Part 77: The part of Federal Aviation Regulations which deals with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.

4.0.7. Community Noise Equivalent Level (CNEL): The noise metric adopted by the state of California for describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.

4.0.8. Compatibility Zone: Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.

4.0.9. Development Actions: See the definition of Local agency action, regulation, permits, and/or project.

4.0.10. Division of Aeronautics: California Department of Transportation, *Division of Aeronautics*, or any successor agency that may assume the responsibilities of the *Division of Aeronautics*.

4.0.11. Dwelling: A building or a portion thereof used or designed and intended to be used for human habitation.

4.0.12. Existing Land Use: The actual use of land or the proposed use of the land evidenced by a *vested right* to proceed with development or occupancy (provided the new occupancy remains within the same or reduced level of occupancy as the most recent one) as of the effective date of this compatibility plan analysis. Vested means the irrevocable right to complete construction notwithstanding an intervening change in the law that would otherwise preclude it.

4.0.13. General Plan: For this compatibility plan analysis, this term means any 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).

4.0.14. Gross Acreage: Gross acreage includes the property at issue plus up to the centerline of adjacent roads and any adjacent, permanently dedicated, open lands.

4.0.15. Handbook: The most recent version of the *California Airport Land Use Planning Handbook* published by the California Department of Transportation, Division of Aeronautics.

4.0.16. Heliport: A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public use and special use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded. Personal use heliports may or may not require a state permit depending upon their location and other factors.



4.0.17. Infill: Development of vacant or underutilized land within areas that are already largely developed or used more intensively. See Policy 4.1.5.3 for criteria used to identify infill areas for compatibility planning purposes.

4.0.18. Local Jurisdiction: Del Norte County or any city or other government agency (except state or federal government agencies having jurisdiction over land uses within their boundaries).

4.0.19. Land Use Policy Action: Adoption of any city or county general plan, specific plan, or zoning ordinance (including zoning maps and/or text) or any amendment to a city or county general plan, specific plan, community plan or zoning ordinance (zoning maps and/or text). A land use policy action also refers to any school district, community college district, or special district facilities master plans or amendments to such master plans. Also see definition of Project.

4.0.20. Local Agency: A land use jurisdiction, school district, community college district, or other special district subject to the provisions of this ALUCP. The ALUCP does not have authority over land use actions of federal agencies or Native American tribes (see Policy 4.1.5.6).

4.0.21. Local agency actions, regulations, and permits: Any human-caused change to improved or unimproved real property that requires a discretionary permit or approval from any local agency or that is sponsored and proposed to be built by a local agency, developer, or the real property owner. Actions include, but are not limited to, buildings or other structures, mining, dredging, filling, grading, paving, an excavation or drilling operation, and/or storage of materials.

4.0.22. Lot of Record: A parcel of land platted and recorded as of the effective date of this compatibility plan analysis.

4.0.23. Lot Coverage: The ratio between the ground floor area of a building (or buildings) and the area of the lot or parcel on which the building (or buildings) are placed.

4.0.24. Nonconforming Use: In general, a land use, parcel, or building which does not comply with a current ALUCP or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of this Plan, a nonconforming land use is one which exists (see definition of “existing land use” in Policy 4.0.12) as of the plan’s adoption date, but which does not conform with the compatibility criteria set forth herein.

4.0.25. Project: Any land use matter, either publicly or privately sponsored, that is subject to the provisions of this compatibility plan analysis. For this compatibility plan analysis, this term means any action, regulation, or permit (see Pub. Util. Code §21676.5).

4.0.26. Real Estate Disclosure: A written statement that notifies the prospective purchaser of real estate, prior to completion of the purchase, of the potential annoyances or inconveniences associated with airport operations. Typically, a real estate disclosure is provided at the real estate sales or leasing offices. 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 is within its AIA (see, Bus. & Prof.



Code, §11010; Civ. Code, §§1102.6, 1103.4, 1353). State law does not require the real estate disclosure to be recorded in the chain of title for the affected property.

4.0.27. Residential Density: For airport compatibility purposes, the chief distinguishing feature among residential land uses is the number of dwelling units per acre. To be compatible with airport activities, the number of dwelling units per acre should not exceed the criterion specified for the compatibility zone where the use would occur.

4.0.28. Rural: Areas where the predominant land uses are natural or agricultural; buildings are widely scattered. Population count is typically fewer than 2,500 people, with a population density of four units per one acre.

4.0.29. Suburban: Areas characterized by low-rise (1-2 story) development, including residential, commercial, office parks, and recreation, as well as surface parking lots. Population count is variable, with an average density of 16 units per one acre.

4.0.30. PUC: Public Utilities Code.

4.0.31. Vested Right: A right to the proposed use of land as demonstrated by any of the following:

- (a) A vesting tentative map that has been approved pursuant to California Government Code section 66498.1, and has not expired; or
- (b) A development agreement that has been executed pursuant to California Government Code section 65866, and remains in effect; or
- (c) A valid building permit that has been issued, substantial work that has been performed, and substantial liabilities that 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.

4.1 GENERAL POLICIES

This section contains general and specific policies that guide overall ALUCP implementation. The general policies that follow are to be used, in addition to the specific policies, standards, and criteria defined later in this chapter, by the ALUC, affected local agencies, and others to implement the relevant provisions of the compatibility plan.

4.1.1 Compliance with State Law

The Airport Land Use Commission for Del Norte County shall comply with the provisions in the Public Utilities Code, Chapter 4, Article 3.5 Section 21670 et. seq. (airport land use commission statutes),



when administering these compatibility policies and the airport land use compatibility planning process in Del Norte County.

The ALUC shall also implement Business and Professions Code, Section 11010 (b)(13), by establishing an AIA 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 the ALUC. Any property located in the vicinity of the public use airports within the AIA must be provided a real estate disclosure notice.

4.1.2. Airport Influence Area

(a) All lands on which the uses could be negatively affected by present or future aircraft operations at any of the public use airports for which the ALUC has specifically adopted these procedures; also those lands on which the uses could negatively affect any of the same airports.

(b) The specific limits of the influence area for each public use airport is depicted on **Exhibit 4A** (Jack McNamara Field), **Exhibit 4B** (Ward Field), and **Exhibit 4C** (Andy McBeth Airport).

4.1.3 Amendments to the Compatibility Plan Analysis

Major amendments (revising the policies in a manner that would change their applicability to a public agency, adding new policies, or revising maps) to the compatibility plan analysis cannot be done more than once per calendar year, as provided in the airport land use commission statutes. Minor amendments (addressing grammatical, typographical, or minor technical errors that do not affect policies or the manner in which those policies are applied) can be done as needed.

The compatibility plan analysis shall be updated and amended as needed to maintain a current, updated document. (Policy 4.1.5.6).

4.1.4 Effective Date

This compatibility plan shall become effective immediately upon a formal adoption action by the Airport Land Use Commission for Del Norte County after review by the Del Norte County Board of Supervisors and Crescent City Council. Land use policy actions and development actions are subject to this compatibility plan analysis unless the circumstances defined below apply.

4.1.5 Applicability of Policies to Existing Land Uses

Existing land uses shall be exempt from the policies and criteria of this compatibility plan analysis, except as specifically provided in this Section.



4.1.5.1 Modifications to Nonconforming Uses

Existing uses (including a parcel or building), as defined in Section 4.0.12, not in conformance with this ALUCP, may only be expanded as follows:

(a) Nonconforming residential uses may be expanded in building size provided that doing so does not result in more dwelling units than currently exist on the parcel at the time of the adoption of this ALUCP (a bedroom could be added, for example, but a separate dwelling unit could not be built unless the property owner is entitled to the development by right [See Policy 4.1.5.4]).

(b) A nonconforming nonresidential development may be continued, leased, or sold and the facilities may be maintained or altered (including potentially enlarged), provided that the portion of the site devoted to the nonconforming use is not expanded and the usage intensity (the number of people per acre) is not increased above the levels existing at the time of adoption of this ALUCP. For further guidance on the expansion of uses that may represent potential flight hazards, please see Policies 4.3.3.5 (Other Flight Hazards) and 4.3.3.6 (FAA Notification).

(c) Factors to be considered for any proposed expansion of a nonconforming use (in terms of the site size or the number of dwelling units or people on the site) include whether the development qualifies as infill (Policy 4.1.5.3) or warrants approval because of other special conditions (Policy 4.1.5.6).

(d) If a non-conforming use is abandoned or altered beyond what is specified in sections (a) and (b) above, all non-conforming restored land uses must conform to ALUCP policies.

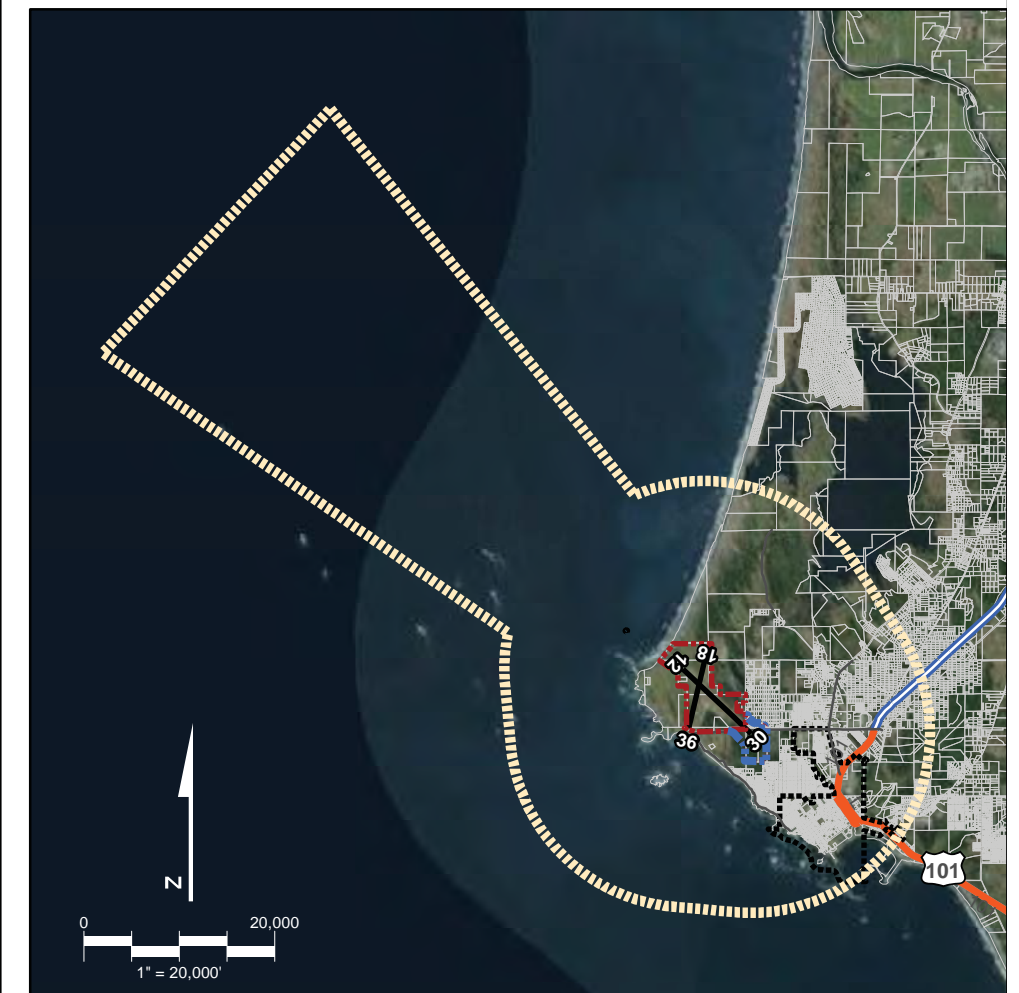
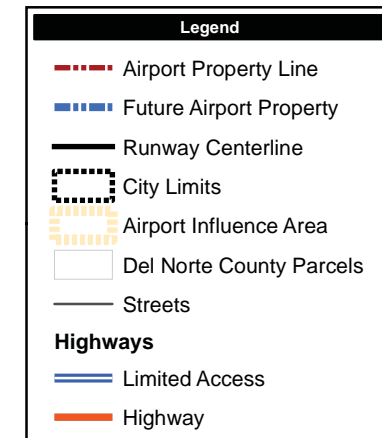
4.1.5.2 Reconstruction of Nonconforming Use

An existing nonconforming development that has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:

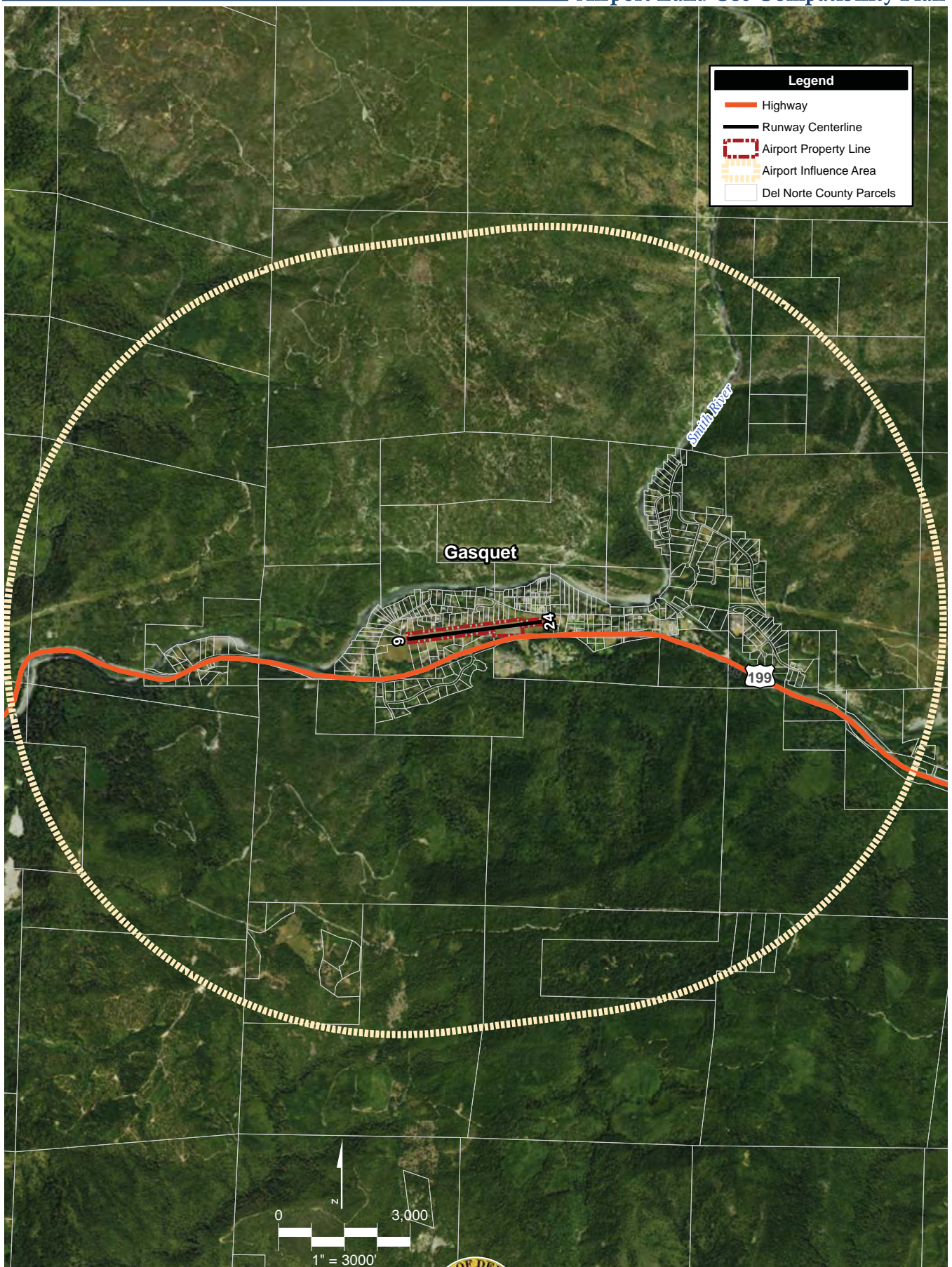
(a) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage. For the purposes of this section, residential uses shall include conventional single family homes, manufactured homes, multiple family unit residences, and any other structures which are in the opinion of the local (i.e., County or City depending on location) Building and Planning Department to serve a residential purpose, as well as any associated accessory buildings located upon the same parcel (e.g., garages, shops, sheds, etc.) as the residence(s).

(b) A nonconforming nonresidential development may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre). Partial destruction shall be considered to mean damage that can be repaired at a cost of no more than 75% of the assessor's full cash value of the structure at the time of the damage.



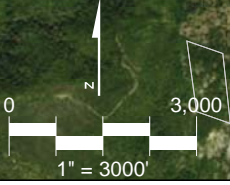


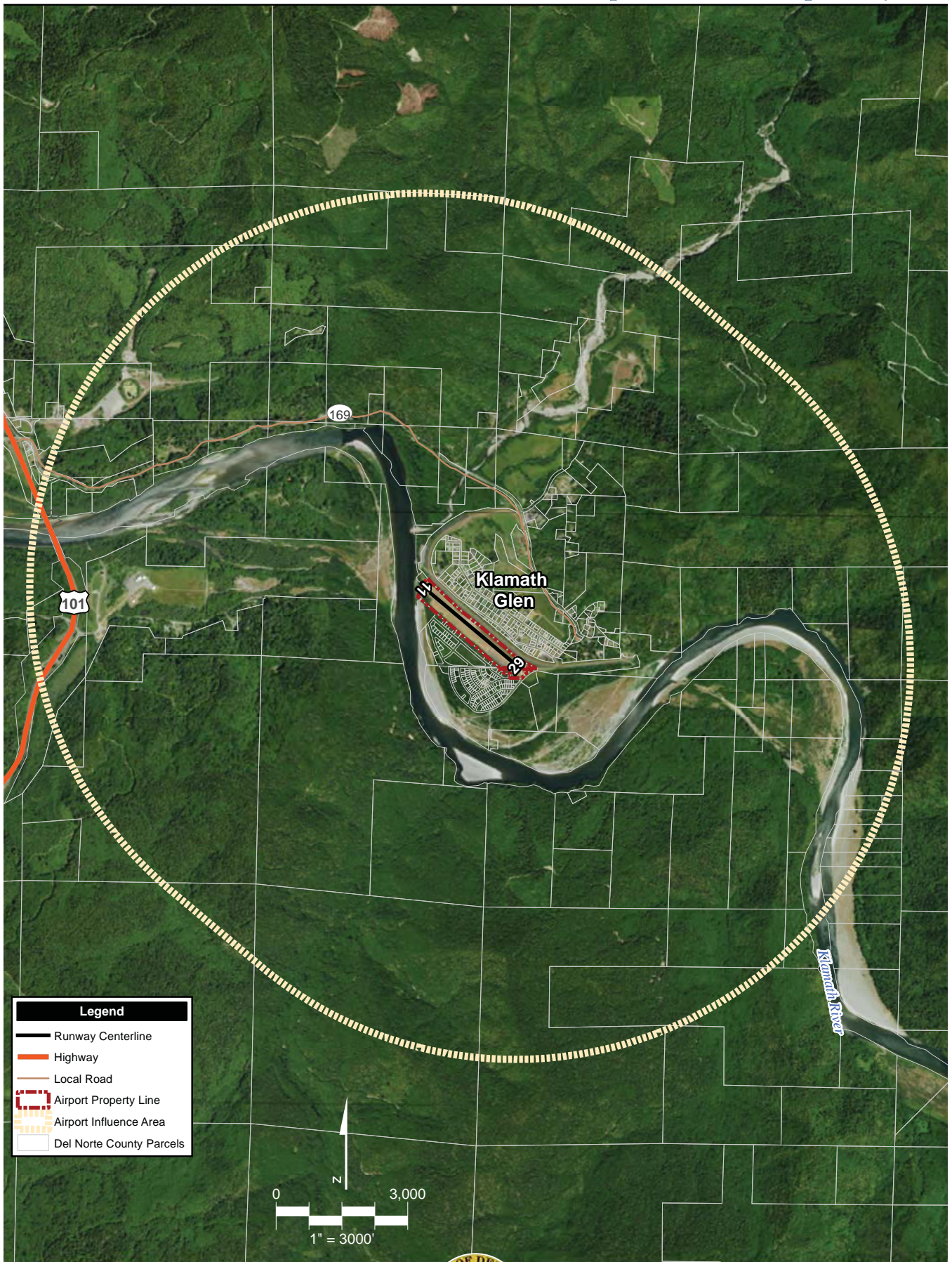
This page intentionally left blank



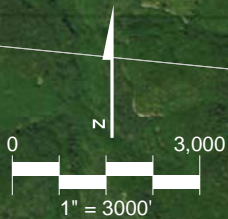
Legend

- Highway
- Runway Centerline
- Airport Property Line
- Airport Influence Area
- Del Norte County Parcels





Legend	
	Runway Centerline
	Highway
	Local Road
	Airport Property Line
	Airport Influence Area
	Del Norte County Parcels



(c) Reconstruction under paragraphs (a) or (b) above must begin within 24 months of the date the damage occurred.

(d) The above exceptions do not apply within Zone 1 or where such reconstruction would be in conflict with a county or city general plan or zoning ordinance.

(e) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

4.1.5.3 Infill

Where development not in conformance with the criteria set forth in this ALUCP already exists, at the date of adoption of this ALUCP, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.

This exception does not apply within Zone 1.

(a) A parcel can be considered for infill development if it meets the following criteria and the applicable provisions of either sub-policy (b) or (c) below:

(1) The parcel size is no larger than 20.0 acres.

(2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.

(3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.

(4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.

(5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this ALUCP unless replacement open land is provided within the same compatibility zone.

(b) For residential development, the average development density (dwelling units per gross acre) of the site shall not exceed the lesser of:

(1) The average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or



(2) Double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, **Table 4A**.

(c) For nonresidential development, the average usage intensity (the number of people per gross acre) of the site's proposed use shall not exceed the lesser of:

(1) The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or

(2) Double the intensity permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, **Table 4A**.

(d) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that parcels eligible for infill be determined just once. Thus, in order for the ALUC to consider proposed development under these infill criteria, the entity having land use authority (Del Norte County or affected cities) must first identify the qualifying locations in its general plan or other adopted planning document approved by the ALUC. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this ALUCP. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent.

(e) Infill development within Zones 2A, 4A, and 4B is allowed, at no greater density or intensity than what is specified for these areas in Table 4A of this ALUCP and cannot be exceeded for any reason. The absolute residential densities maximum limits for Zone 2A is up to 15 dwelling units per acre, for Zone 4A is up to 6 dwelling units per acre, and for Zone 4B is up to 30 dwelling units per acre. This applies to portions of 25 parcels totaling 11.4 acres in Zone 2A; portions of 13 parcels totaling 1.6 acres in Zone 4A; and portions of 8 parcels totaling 1.3 acres in Zone 4B.

4.1.5.4 Development by Right:

Nothing in these policies prohibits:

(a) 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.

(b) Construction of other types of uses if local government approvals qualify the development as effectively existing (see Policy 4.0.12 for definition).

(c) Lot line adjustments provided that new developable parcels would not be created and the resulting gross density or intensity of the affected property would not exceed the applicable criteria indicated in the Compatibility Criteria matrix, **Table 4A**.



4.1.5.5 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 portion.

4.1.5.6 Other Special Conditions:

The compatibility criteria set forth in this ALUCP are intended to be applicable to all locations within each airport's influence area. However, it is recognized that 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.

(a) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.

(b) In reaching such a decision, the ALUC shall make specific findings as to why the exception is being made and that the land use will not 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 the referring 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.

(e) Under state law (Pub. Util. Code, Section 21676[c]), any public agency owning an airport must, prior to the adoption or modification of its airport master plan, refer the proposed action to the Airport Land Use Commission. According to the Handbook, "the question to be examined [by airport land use commissions] is whether any components of the airport plan would result in greater noise and safety impacts on surrounding land uses than are assumed in the adopted compatibility plan." Components of the airport plans that merit consideration in the consistency review include:

1. Aviation activity forecasts;
2. Changes to runway layout;
3. Changes to flight tracks resulting from the proposed action;
4. Changes to airspace parameters;
5. Noise impacts – will changes in any of the above items result in significantly increased noise impacts on surrounding lands;



6. Plans for non-aviation development on airport property (such as hotels, office buildings, or industrial buildings), which should be evaluated during the Airport Master Plan process and the same manner as projects proposed elsewhere in the project referral area.

The Airport Land Use Commission should update the compatibility plan analysis to account for the new airport plans. When an inconsistency exists between a proposed airport master plan and compatibility plan analysis, the ALUC has the option of modifying its plan to reflect the assumptions and proposals of the master plan. (Under state law, Airport Land Use Commissions have no jurisdiction over the operation of airports [Pub. Util. Code, Section 21674(e)].)

ALUCs have no mandatory duty or authority to review land use actions located on federal, tribal or state lands, or proposed by federal or state agencies or Native American tribes within the AIA. However, should a federal or state agency, or Native American tribe, request ALUC input on the compatibility of a proposed project with aeronautical operations and concerns, the ALUC may provide advisory determinations for the agency's or tribe's consideration. It should be noted that while ALUCs have no mandatory duty or authority to review state actions, in some instances, the state agency may have an independent obligation to submit the proposed project to Caltrans for review. The Division of Aeronautics is required to evaluate the acquisition or expansion of certain proposed K–12 school sites (Education Code Section 17215), Community College sites (Education Code Section 81033), and state buildings (PUC Section 21655) within two miles of an airport runway.

4.1.6 Types of Actions Reviewed

4.1.6.1 Actions Which Require ALUC Review:

As required by state law, the following types of actions shall be referred to the ALUC prior to their approval by the local jurisdiction:

- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (PUC Section 21676(b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Policy 4.1.7 (PUC Section 21676(b)).
- (c) Adoption or modification of the master plan for an existing public use airport (PUC Section 21676(c)).
- (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (PUC Section 21664.5).
- (e) Any proposal for a new airport or heliport whether for public use or private use (PUC Section 21661.5) if the facility requires a state Airport Permit.



4.1.6.2 Other Land Use Actions Subject to ALUC Review:

In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:

(a) Until such time as (1) the ALUC finds that a local agency's general plan, specific plan, zoning or building regulation which affects property within an airport influence area and involves the types of airport impact concerns listed in Policy 4.1.7 (PUC Section 21676(b)) is consistent with the ALUCP, or (2) the local agency has overruled the ALUC's determination of inconsistency, state law provides that the ALUC may require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the ALUC for review (PUC Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. ALUC policy is that only major land use actions listed in Policy 4.1.6.3 shall be submitted for review.

(b) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this plan, shall be subject to ALUC review. This policy is intended to address circumstances that arise when a general or specific 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 lands 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 or specific plan. (Also see Policies 4.1.5.1 and 4.1.5.2)

4.1.6.3 Major Land Use Actions:

The scope or character of certain major land use actions, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these 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, ALUC review of these actions may be warranted. The circumstances under which ALUC review of these actions is to be conducted are indicated in Policy 4.1.6.2 above.

(a) Actions affecting land uses within any compatibility zone.

- (1) Proposed residential development, including land divisions, consisting of five or more dwelling units or lots.
- (2) Proposed development agreements or amendments to such agreements.
- (3) Any proposed expansion of the sphere of influence of a city or special district.
- (4) Proposed pre-zoning associated with future annexation of land to a city.



- (5) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
 - (6) Major capital improvements (e.g., water, sewer, or roads) which 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.
 - (7) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
 - (8) Any off-airport, non-aviation use of land within the runway protection zone (RPZ) of any airport.
 - (9) Proposals for new development (including buildings, antennas, and other structures) having a height of more than:
 - No development is allowed within the RPZ;
 - 35 feet above ground level (AGL) within the Inner Approach/Departure Zone, Inner Turning Zone, and Sideline Zone;
 - 70 feet AGL within Outer Approach/Departure Zone; or
 - 100 feet AGL within Traffic Pattern Zone.
 - (10) Any obstruction reviewed by the Federal Aviation Administration (FAA) in accordance with Part 77 of the CFR that receives a finding of anything other than “not a hazard to air navigation.”
 - (11) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - Electrical interference with radio communications or navigational signals;
 - Lighting which could be mistaken for airport lighting;
 - Glare in the eyes of pilots of aircraft using the airport; and
 - Impaired visibility near the airport.
 - (12) Projects having the potential to cause attraction of birds or other wildlife that can be hazardous to aircraft operations to be increased within the vicinity of an airport in accordance with Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*.
 - (13) Proposed non-aviation development of airport property (hotels, motels, restaurants and non-aviation related commercial/office buildings) if such development has not previously been included in an airport master plan or community general plan. (See Policy 4.3.1.2).
- (b) Regardless of location within Del Norte County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures



also require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).)

(c) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

4.1.6.4 Airport Land Use Commission Review after Local Agency Makes Local Plans Consistent with Compatibility Plan Analysis or Overrides Compatibility Plan Analysis

After local agencies have either made their local plans and zoning ordinances or facilities' master plans consistent with the compatibility plan analysis or overridden the compatibility plan analysis as provided by law, Public Utilities Code, Section 21676 (b) requires local agencies to submit only proposed **land use policy actions** to the airport land use commission for a determination of the consistency of the proposed action with the compatibility plan analysis prior to local agency approval of such action. In addition to this statutory requirement, the ALUC will request review of the development proposal, if any, which triggered the proposed land use action. This requirement shall apply to any proposed land use policy action that affects property within the AIA.

4.1.7 Types of Airport Impacts

4.1.7.1 Compatibility Concerns:

The ALUC is concerned with the potential impacts related to:

- (a) Land use safety with respect both to people on the ground and the occupants of aircraft;
- (b) Exposure to aircraft noise;
- (c) Protection of airport airspace; and
- (d) General concerns related to aircraft overflights.

4.1.7.2 Airport Impacts Not Considered:

Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the ALUC. In accordance with state law (PUC Section 21674(e)), this Plan and the ALUC do not have authority over the operation of any airport (including where and when aircraft fly, and airport security).

4.1.7.3 Advisory Review of Development Proposals:

Under state law, local governments may submit development proposals within the AIA to the Airport Land Use Commission for voluntary, non-binding advisory review. ALUC reviews are voluntary only if



the jurisdiction's general plan and/or specific plan is fully consistent with the compatibility plan analysis (if these plans are not consistent, then ALUC review is mandatory). The Airport Land Use Commission shall encourage local governments to submit the following types of development proposals within the AIA for advisory review:

- Commercial or mixed-use development of more than 100,000 square feet of gross building area;
- Residential or mixed-use development that includes more than 50 dwelling units;
- Public or private schools;
- Hospitals or other inpatient medical care facilities;
- Libraries;
- Places of public assembly; and/or
- Towers.

When an ALUC review is advisory, the local jurisdiction does not need to take the special steps necessary to overrule the ALUC if it disagrees with the outcome of a review.

4.1.8 ALUC Overrule Policies

4.1.8.1 Overruling Process:

The overrule process, described in PUC Sections 21675.1(d), 21676, and 21676.5 requires the local agency's governing body to make specific findings that show the project is consistent with the purpose of Article 3.5 of the *State Aeronautics Act*.

The overrule process preserves local government's constitutional land use authority and local government's ability to implement its plans and projects. When a plan or project is found inconsistent by the ALUC, the local agency has a choice to stop or amend the plan or project, and thereby accept the ALUC's inconsistency determination, or to overrule the ALUC with a two-thirds "supermajority" vote of the local agency's governing body.

The overruling process involves four mandatory steps:

- (a) At least 45 days prior to any decision to overrule the commission, the local agency must provide the local ALUC and Caltrans' Division of Aeronautics a copy of the proposed decision and findings.
- (b) The holding of a public hearing (except when the ALUC finds a county or city action inconsistent with the ALUCP prior to having adopted a compatibility plan update);
- (c) The making of specific findings that the action proposed is consistent with the purposes of the ALUC statute; and



(d) Approval of the proposed action by a two-thirds vote of the agency's governing body.

4.1.8.2 Substance of the Finding:

The essential substance of the findings which accompany a local agency overruling of an ALUC decision is indicated in PUC Section 21670. Section 21670(a) indicates that five separate purposes for the legislation are stated:

- "...to provide for the orderly development of each public use airport in this state..."
- "...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..."
- "...to provide for the orderly development of...the area surrounding these airports so as...to prevent the creation of new noise and safety problems."
- "...to protect the public health, safety, and welfare by ensuring the orderly expansion of airports..."
- "...to protect the public health, safety, and welfare by...the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

Although findings do not need to address each of these purposes point by point, it is essential that, collectively, all of the purposes be addressed. The following sections outline possible approaches to demonstrating a proposed action would indeed be consistent with these purposes.

(a) Providing for Orderly Development of the Airport. The findings shall document:

- (1) How the local agency has considered any adopted long-range development plans that may exist for the airport;
- (2) How the local agency plans to support development of the airport over at least the next 20 years; and
- (3) How local land use planning and zoning actions would serve to protect the approaches to the airport runways.

(b) Relationship to California Airport Noise Standards. The findings should:

- (1) Document any inconsistencies between noise element policies and noise compatibility criteria in the ALUC compatibility plan and attempt to resolve why the differences exist;
- (2) Show how noise element policies will assure conformance with the state noise airport standards; and
- (3) Identify any measures to be incorporated into local development to mitigate existing and foreseeable airport noise problems.

(c) Preventing Creation of New Noise and Safety Problems. The findings should:

- (1) Document any inconsistencies between the proposed land use action and safety compatibility criteria in the ALUC compatibility plan;



- (2) Describe the measures taken to assure that risks – both to people and property on the ground and to the occupants of aircraft – associated with the land use proposal are held to a minimum; and
- (3) Indicate that the proposed land use action falls within a level of acceptable risk considered to be a community norm.

(d) Protecting Public Health, Safety, and Welfare by Ensuring Orderly Expansion of the Airport. The findings should:

- (1) Document any inconsistencies between the proposed land use action and safety compatibility criteria in the ALUC compatibility plan;
- (2) Describe the measures taken to assure that risks – both to people and property on the ground and to the occupants of aircraft – associated with the land use proposal are held to a minimum; and
- (3) Indicate that the proposed land use action falls within a level of acceptable risk considered to be a community norm.

(e) Minimizing the Public’s Exposure to Excessive Noise and Safety Hazards. The statute implies a quantitative assessment of noise exposure and safety hazards. The purpose of the statute is not merely to reduce the public’s exposure to noise and safety hazards, but to minimize exposure in areas with excessive noise or safety concerns. To adopt a finding demonstrating consistency with this purpose, the local agency first must determine whether the existing noise exposure or safety hazards are excessive.

- (1) If existing noise and safety hazards are not excessive, then the actions taken by the local agency must “prevent the creation of new noise and safety problems” (see the third bullet above).
- (2) If the existing exposure is excessive, the local agency would have to show how its action in overruling an ALUC determination of inconsistency nonetheless minimizes additional exposure to those noise and safety concerns that have been identified.
- (3) Finally, the local agency needs to show the extent to which land uses in the area in question are already incompatible with airport operations and how an action to overrule would not create a new incompatible use or would not expose additional persons or property to noise and safety hazards associated with existing compatible uses.

4.1.9 Review Fees

A 1989 amendment to the *State Aeronautics Act* granted ALUCs the authority to charge fees for review of land use proposals and airport plans (Section 21671.5(f)). The ALUC fees are based upon on the typical number of staff hours involved in a project review and attempt to cover the full cost of staff time. Fees for ALUC should be reviewed annually and adjusted to cover staff review costs.



4.1.10 ALUCP Update

Major amendments (revising the policies in a manner that would change their applicability to a public agency, adding new policies, or revising maps) to the compatibility plan analysis cannot be done more than once per calendar year, as provided in the airport land use commission statutes. Minor amendments (addressing grammatical, typographical, or minor technical errors that do not affect policies or the manner in which those policies are applied) can be done as needed.

The compatibility plan analysis shall be updated and amended as needed to maintain a current, updated document. Updates should be undertaken as soon as practicable after any of the following occurrences:

1. Adoption of a new airport master plan or an updated airport layout plan;
2. Update of long-range airport noise exposure forecasts.

4.2 REVIEW PROCESS

4.2.1 Timing and Public Input

4.2.1.1 Timing of Project Submittal:

Proposed actions listed in Policy 4.1.6 should be submitted to the ALUC early enough in the review process for the ALUC's evaluation to be duly considered by the local jurisdiction prior to formalizing its actions. The timing may vary depending upon the nature of the specific project. However, all projects must be submitted to the ALUC for review prior to final approval by the local government entity.

4.2.1.2 Public Input:

Where applicable, the ALUC shall provide public notice and obtain public input in accordance with PUC Section 21675.2(d) before acting on any plan, regulation, or other land use proposal under consideration.

4.2.2 Review Process for Community Land Use Plans and Ordinances

4.2.2.1 Initial ALUC Review of General Plan Consistency:

In conjunction with adoption or amendment of this ALUCP, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the ALUC's policies.



(a) Within 180 days of the ALUC's adoption or amendment of the ALUCP, each local agency must amend its general plan and any applicable specific plan to be consistent with the ALUC's plan or, alternatively, adopt findings and overrule the ALUC in accordance with PUC Section 21676(b) and (Government Code Section 65302.3) and outlined in Policy 4.1.8.

(b) Prior to taking action on a proposed amendment, the local agency must submit a draft of the proposal to the ALUC for review and approval.

4.2.2.2 Subsequent Reviews of Related Land Use Development Proposals:

As indicated in Policies 4.1.6.1(a) and 4.1.6.1(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined in Policy 4.0.2, local agencies must submit a complete copy of the proposed plan, ordinance, or regulation to the ALUC for review. In addition, supporting documentation, associated mapping exhibits depicting the boundaries of the plan, and any environmental documentation prepared for the plan/ordinance should be submitted.

Subsequent land use development actions that are consistent with applicable, previously reviewed local plans, ordinances, and regulations are subject to ALUC review only under the conditions indicated in Policies 4.1.6.1 and 4.2.3.5.

4.2.2.3 ALUC Action Choices:

When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the Compatibility Plan, the ALUC has three choices of action:

(a) Find the plan, ordinance, or regulation consistent with the ALUCP.

(b) Find the plan, ordinance, or regulation consistent with ALUCP, subject to conditions and/or modifications that the ALUC may require. When a finding of consistency is subject to conditions and/or modifications, the conditions should be limited in scope and described in a manner which allows compliance to be clearly assessed (e.g., the height of a structure).

(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.

4.2.2.4 Response Time:

The ALUC must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (PUC Section 21676(d)).



- (a) The 60-day review period may be extended if agreed upon in writing by the submitting agency or project applicant.
- (b) The date of referral is deemed to be the date on which all applicable project submittal information is received by the ALUC staff.
- (c) If the ALUC fails to make a determination within that period, the proposed action shall be deemed consistent with the ALUCP.
- (d) Regardless of ALUC's action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
- (e) The referring agency shall be notified of the ALUC's action in writing.

4.2.2.5 ALUC Response to Notification of Proposed Overruling:

If a local agency proposes to overrule an ALUC action regarding a community land use plan or ordinance, it must provide 45 days' notice to both the ALUC and the California Division of Aeronautics and these agencies then have 30 days in which to respond (PUC Sections 21676[a] and [b]).

4.2.3 Review Process for Airport Master Plans and Development Plans

4.2.3.1 Project Submittal Information:

An airport master plan or development plan submitted to the ALUC for review shall contain sufficient information to enable the ALUC to adequately assess the noise, safety, airspace protection, and over-flight impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available.

- (a) At a minimum, information to be submitted shall include:
- (1) A layout plan drawing of the proposed facility showing the location of:
 - Property boundaries;
 - Runways or helicopter takeoff and landing areas;
 - Runway or helipad protection zones;
 - Aircraft or helicopter approach/departure flight routes.
 - (2) Code of Federal Regulation Part 77 airspace drawing.



- (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day, evening, and 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) A map 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, draft environmental impact report, etc.) that may have been prepared for the project.
- (7) Identification and proposed mitigation of impacts on surrounding land uses.

(b) Any applicable review fees per Policy 4.1.9 as established by the ALUC shall accompany the application.

4.2.3.2 Commission Action Choices for Plans of Existing Airports:

When reviewing airport master plans or expansion plans for existing public use airports, the Commission has three action choices:

- (a) Find the airport plan consistent with the ALUCP.
- (b) Find the airport plan inconsistent with the ALUCP.
- (c) Modify the ALUCP (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.

4.2.3.3 Commission Action Choices for Reviews of New Airports or Heliports:

When reviewing proposals for new airports or heliports, the ALUC's choices of action are:

- (a) Find the proposal consistent with the specific review policies listed in Policy 4.2.3.5.
- (b) Find the proposal consistent and adopt an ALUCP for that facility. State law requires adoption of such a plan if the airport or heliport will be a public use facility (PUC Section 21675(a)).
- (c) Find the proposal inconsistent on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.



4.2.3.4 Response Time:

The ALUC must respond to a local agency's submittal of an airport master plan or development plan within 60 days from the date of referral (PUC Section 21676(d)).

(a) If the ALUC fails to make a determination within that period, the proposed action shall be deemed consistent with the ALUCP.

(b) Regardless of ALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.

(c) The referring agency shall be notified of the ALUC's action in writing.

4.2.3.5 ALUC Response to Notification of Proposed Overruling:

If a local agency proposes to overrule an ALUC action regarding an airport master plan or development plan, it must provide 45 days' notice to both the ALUC and the California Division of Aeronautics and these agencies then have 30 days in which to respond (PUC Section 21676(c)).

4.2.4 Review Process for Major Land Use Actions**4.2.4.1 Project Submittal Information:**

A proposed major land use action submitted to the ALUC for review shall include:

(a) The following information:

- (1) Property location data (assessor's parcel number and/or street address).
- (2) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
- (3) A description of the existing and proposed uses of the land in question.
- (4) The type of land use action being sought from the local jurisdiction (e.g. zoning change, building permit, etc.).
- (5) For residential uses, an indication of the potential or proposed number of dwelling units per acre (including any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
- (6) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees.



- (7) Identification of any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (8) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
- (9) Any staff reports regarding the project that may have been presented to local agency decision makers.
- (10) Other relevant information which the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.

(b) Any applicable review fees as established by the ALUC per Policy 4.1.9.

4.2.4.2 ALUC Action Choices:

When reviewing a major land use project proposal, 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.

4.2.4.3 Response Time:

In responding to major land use actions submitted for review, the policy of the ALUC is that:

- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 4.1.6.3:
 - (1) Reviews by the ALUC shall be completed within 60 days of when a complete application is submitted.
 - (2) The date of referral is deemed to be the date on which all applicable project submittal information as listed in Policy 4.2.4.1 is received by the ALUC.
 - (3) If the ALUC fails to make a determination within the above time periods, the proposed action shall be deemed consistent with the compatibility plan.



- (4) Regardless of 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.
- (5) The referring agency shall be notified of the ALUC's action in writing.

4.2.4.4 ALUC Response to Notification of Proposed Overruling:

If a local agency proposes to overrule an ALUC action regarding a major land use action for which ALUC review is mandatory, it must provide 45 days' notice to both the ALUC and the California Division of Aeronautics and these agencies then have 30 days in which to respond (PUC Section 21676.5(a)).

4.2.5 Ruling Conformation

4.2.5.1 Subsequent Review:

The ALUC often reviews airport master plans, development plans, general plans, specific plans, ordinances, and land use action documents when they are in draft form.

(a) The ALUC reserves the right to reconfirm determinations made on draft documents if material changes and/or modifications have been made before the document is finalized.

(b) If the ALUC or local agency deems material changes and/or modifications have been made between the draft and final versions of a plan/ordinance/land use action that may affect the ALUC determination, the document must be submitted to the ALUC for reconfirmation.

(c) ALUC reconfirmation should be completed by staff within 30 days of when a final document is submitted for reconfirmation.

(d) If the ALUC fails to reconfirm or make a new determination within the 30-day period, the ALUC determination on the draft document will remain valid.

(e) Regardless of ALUC action or failure to act, the plan/ordinance/land use action must comply with other applicable local, state, and federal regulations and laws.

4.3 LAND USE ACTION COMPATIBILITY CRITERIA

4.3.1 Safety and Compatibility Criteria

The criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible, with respect to safety, with a nearby airport are set forth in the Safety Criteria matrix, **Table 4A**. These criteria are to be used in conjunction with the safety zone map depicted on **Exhibit 4D** (Jack McNamara Field), **Exhibit 4E** (Ward Field), and **Exhibit 4F** (Andy McBeth Airport). The Safety Cri-



teria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Policy 4.1.7. For the purposes of reviewing proposed amendments to community land use plans and zoning ordinances, as well as in the review of individual development proposals, the safety criteria in the matrix are anticipated to suffice. ALUC may refer to the supporting criteria, as listed in Policies 4.3.2 and 4.3.3, to clarify or supplement its review of such actions.

4.3.1.1 Safety and Compatibility Zones:

The following safety zones are defined for airports within Del Norte County:

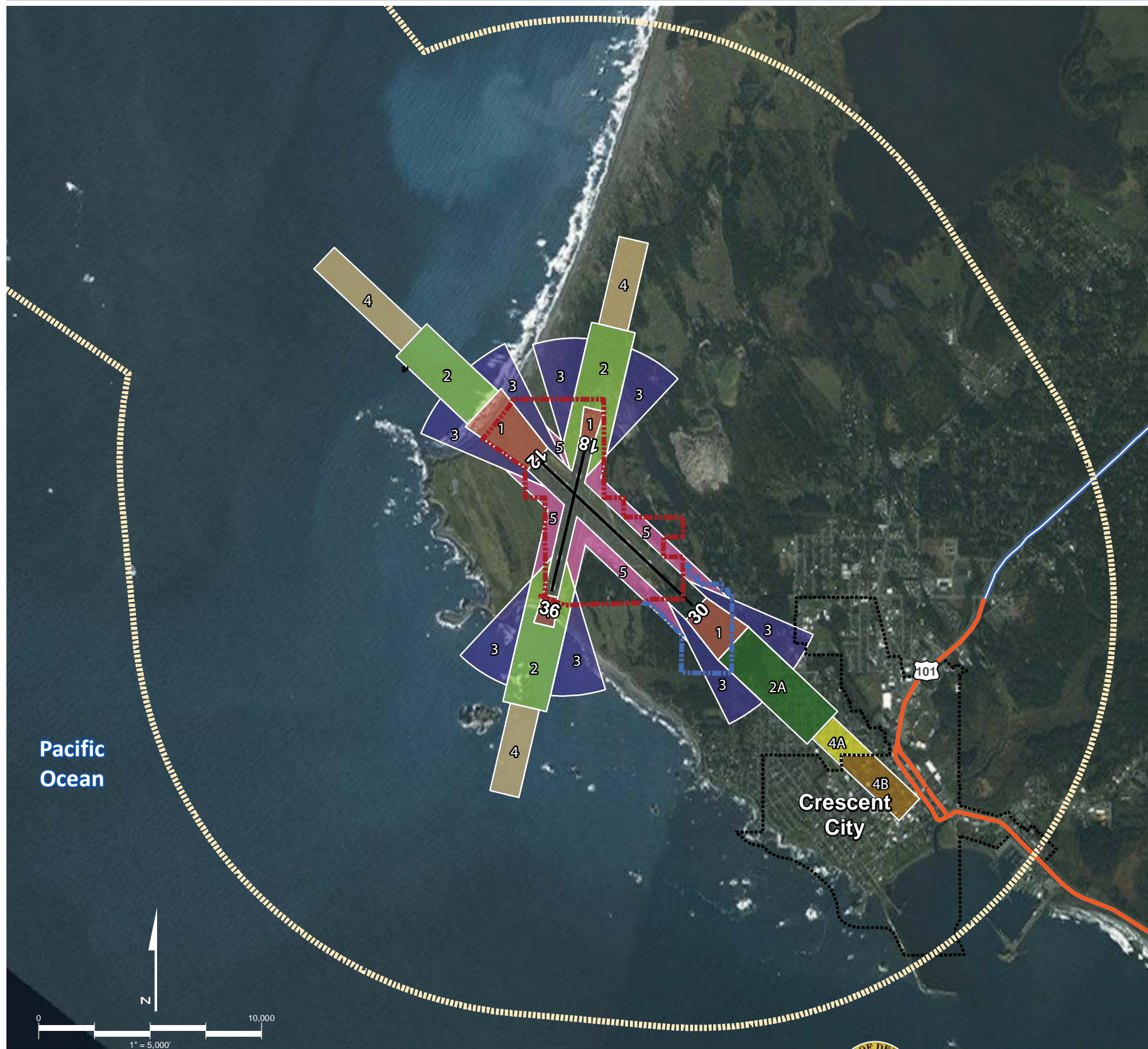
(a) Zone 1, Runway Protection Zone. Runway protection zones are trapezoidal-shaped areas located at ground level beyond each end of a runway. Ideally, each runway protection zone should be entirely clear of all objects. Places of worship, schools, hospitals, office buildings, shopping centers, and other places of public assembly, as well as fuel storage facilities, should be prohibited. **Table 4A** provides a list of prohibited uses and conditions for Zone 1.

(b) Zone 2, Inner Approach/Departure Zone. This zone encompasses areas overflown at low altitudes, typically only 200 to 400 feet above runway elevation. Residential uses except on large, agricultural parcels should be prohibited. Nonresidential uses to activities which attract people (uses such as shopping centers, most eating establishments, theaters, meeting halls, multi-story office buildings, and labor-intensive manufacturing plants) should be prohibited. In addition, children’s schools, day care centers, hospitals, nursing homes, and hazardous uses (e.g., aboveground bulk fuel storage) should be prohibited. Due to the limited availability of privately owned land within Del Norte County and existing level of development in these privately owned areas, an additional sub-zone (Zone 2A) has been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 2A are the same as Zone 2, but separate safety compatibility criteria that allow no greater density or intensity than listed in Table 4A, and are allowed for this area. These residential densities are based on the 2003 Del Norte County General Plan. Future updates to the Del Norte County General Plan attempting to increase densities or intensities in this area would not be consistent with this ALUCP. **Table 4A** provides a list of prohibited uses and conditions for Zone 2 and Zone 2A.

(c) Zone 3, Inner Turning Zone. Encompasses locations where aircraft are typically turning from the base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude. Zone 3 also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading. Residential uses should be limited to one dwelling unit per five acres in Zone 3. Nonresidential uses having moderate or higher usage intensities (e.g., major shopping centers, theaters, and meeting halls children’s schools, large day care centers, hospitals, nursing homes, and hazardous uses [e.g., aboveground bulk fuel storage] are prohibited in Zone 3. **Table 4A** provides a list of prohibited uses and conditions for Zone 3.

(d) Zone 4, Outer Approach/Departure Zone. Zone 4 is situated along the extended runway centerline beyond Zone 3. Approaching aircraft are usually at less than traffic pattern altitude in Zone 4. Chil-





Legend

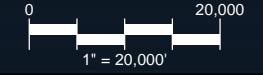
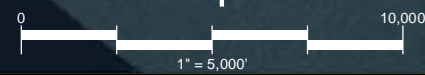
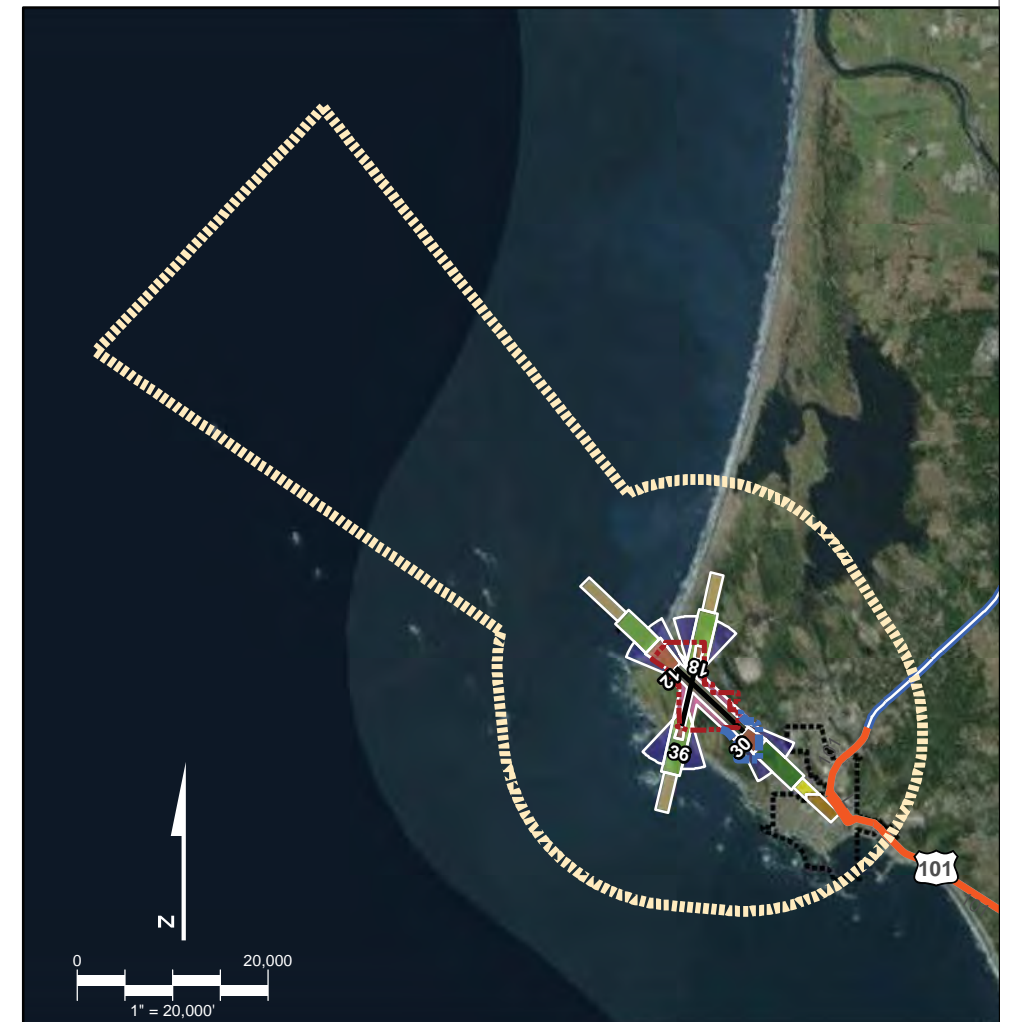
- - - Airport Property Line
- - - Future Airport Property
- Runway Centerline
- City Limits

Highways

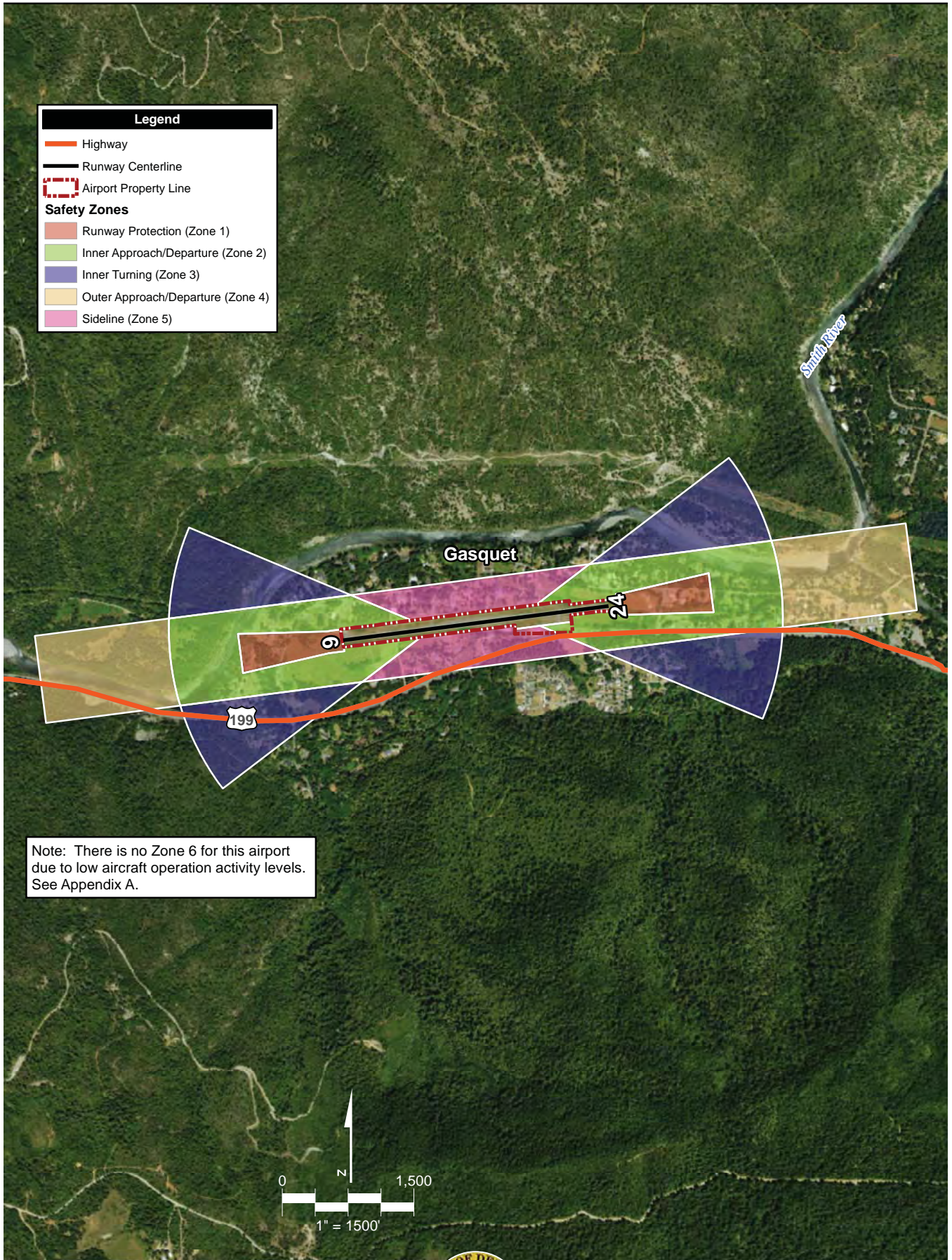
- Limited Access
- Highway
- Del Norte County Parcels

Safety Zones

- Runway Protection (Zone 1)
- Inner Approach/Departure (Zone 2)
- Inner Approach/Departure (Zone 2A)
- Inner Turning (Zone 3)
- Outer Approach/Departure (Zone 4)
- Outer Approach/Departure (Zone 4A)
- Outer Approach/Departure (Zone 4B)
- Sideline (Zone 5)
- Airport Influence (Zone 6)



This page intentionally left blank



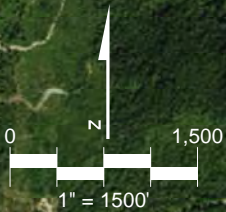
Legend

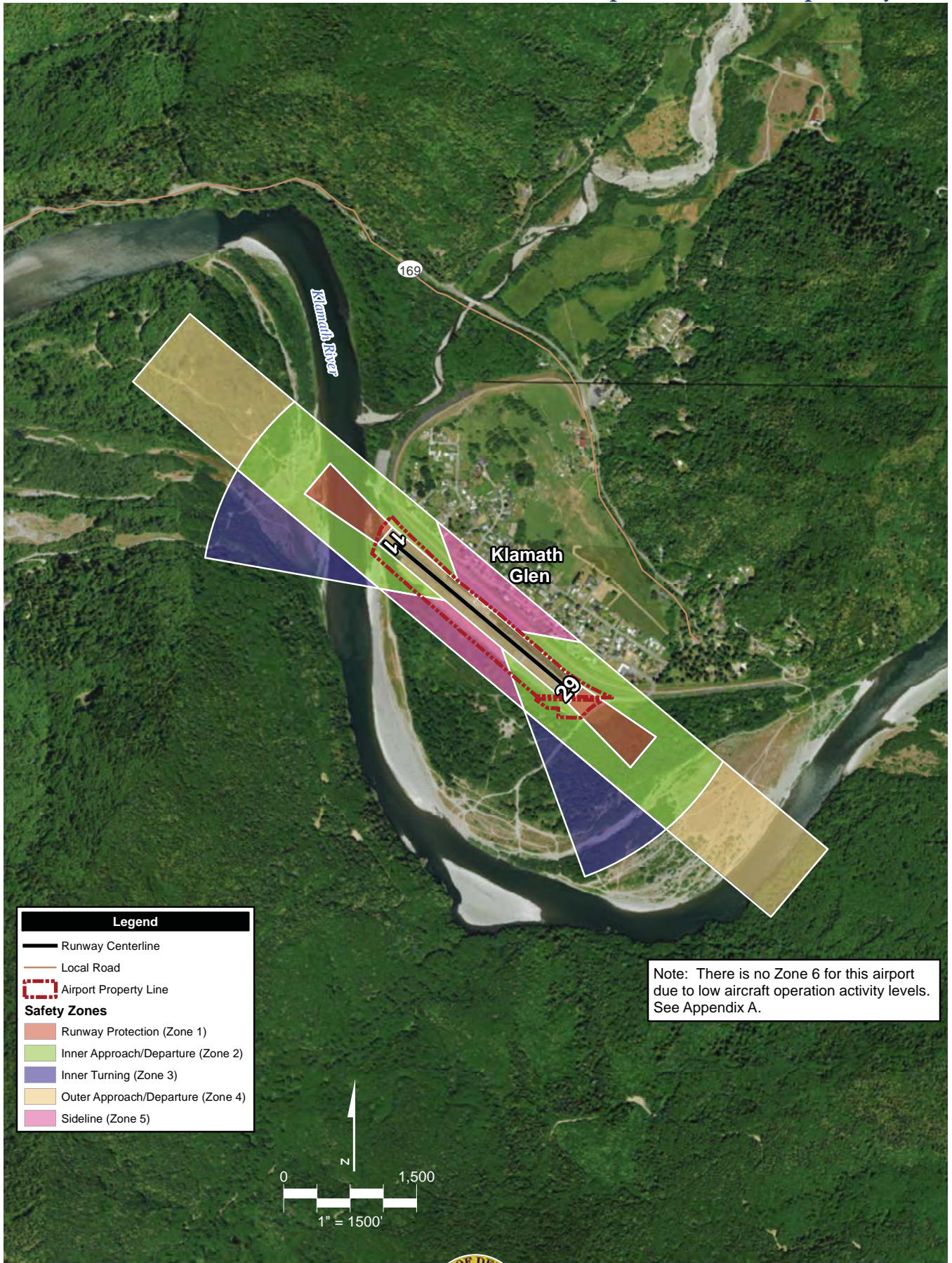
- Highway
- Runway Centerline
- Airport Property Line

Safety Zones

- Runway Protection (Zone 1)
- Inner Approach/Departure (Zone 2)
- Inner Turning (Zone 3)
- Outer Approach/Departure (Zone 4)
- Sideline (Zone 5)

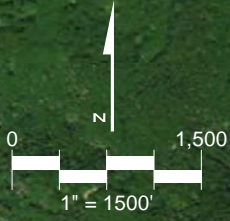
Note: There is no Zone 6 for this airport due to low aircraft operation activity levels. See Appendix A.





Legend	
	Runway Centerline
	Local Road
	Airport Property Line
Safety Zones	
	Runway Protection (Zone 1)
	Inner Approach/Departure (Zone 2)
	Inner Turning (Zone 3)
	Outer Approach/Departure (Zone 4)
	Sideline (Zone 5)

Note: There is no Zone 6 for this airport due to low aircraft operation activity levels. See Appendix A.



dren's schools, large day care centers, hospitals, nursing homes, are prohibited. Highly noise-sensitive nonresidential uses (amphitheaters, drive-in theaters, and nature preserves) should be avoided in Zone 4. Due to the limited availability of privately owned land within Del Norte County and the existing level of development in these privately owned areas, additional sub-zones (Zone 4A and Zone 4B) have been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 4A and Zone 4B are the same as Zone 4, but separate safety compatibility criteria that allows no greater density or intensity than listed in this ALUCP in Table 4A, are allowed for these areas. The residential densities for Zone 4A are based on the 2003 Del Norte County General Plan. The residential densities for Zone 4B are based on the 2001 Crescent City General Plan. Future updates to the Del Norte County and Crescent City General Plans attempting to increase densities or intensities in these areas would not be consistent with this ALUCP. **Table 4A** provides a list of prohibited uses and conditions for Zone 4, Zone 4A, and Zone 4B.

(e) Zone 5, Sideline Zone. Zone 5 encompasses close-in area lateral to runways, but not on airport property. The primary risk in Zone 5 is with aircraft losing directional control on takeoff. Prohibited land uses are similar to Zone 2. **Table 4A** provides a complete list of prohibited uses and conditions for Zone 5.

(f) Zone 6, Traffic Pattern. Properties within the AIA are routinely subject to overflights by aircraft using public use airports. Hazards to flight (physical [e.g., tall objects], visual, and electronic forms of interference with the safety of aircraft operations) are prohibited within the AIA. **Table 4A** provides a list of prohibited uses and conditions for the Traffic Pattern Zone. Note: Andy McBeth and Ward Field Airports do not have traffic pattern safety zones because of low aircraft operation activity levels. See Appendix A.



TABLE 4A
Safety Criteria Matrix

Zone	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Required Open Land ³	Allow	Limit	Avoid	Prohibit ⁴	Other Development Conditions ⁵
Zone 1: Runway Protection	None	None	All unused	None	None	Nonresidential uses except if very low intensity in character and confined to the outer sides Parking lots, streets, roads	All new structures and residential land uses	Avigation easement dedication ⁵ Uses on airport subject to FAA standards
Zone 2: Inner Approach/Departure	1 d.u. per 10 acres	80 persons per acre	30%	Agriculture; non-group recreational uses Low-hazard materials storage, warehouses, mini-storage Low-intensity light industrial uses; auto, aircraft, marine repair services	Single-story office buildings Nonresidential uses to activities that attract few people	All residential uses except as infill in developed areas Multi-story uses, uses with high density or intensity Shopping centers, most eating establishments	Theaters, meeting halls and other assembly uses Office buildings greater than three stories Labor-intensive industrial uses Children's schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses Hazardous uses (e.g. above-ground bulk fuel storage)	Avigation easement dedication ⁵ Locate structures maximum distance from extended runway centerline Minimum NLR of 45 dB residences (including mobile homes) and office buildings ⁹ Airspace review required for objects > 35 feet tall ⁷



TABLE 4A (Continued)
Safety Criteria Matrix

Zone	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Required Open Land ³	Allow	Limit	Avoid	Prohibit ⁴	Other Development Conditions ⁵
Zone 2A: Inner Approach/ Departure	15 d.u. per acre ¹⁰	Same as Zone 2 ¹⁰	30%	Agriculture; non-group recreational uses ¹⁰ Low-hazard materials storage, warehouses, mini-storage Low-intensity light industrial uses; auto, aircraft, marine repair services	Single-story office buildings Nonresidential uses to activities that attract few people	All residential uses except as infill in developed areas Multi-story uses, uses with high density or intensity Shopping centers, most eating establishments	Theaters, meeting halls and other assembly uses Office buildings greater than three-stories Labor-intensive industrial uses Children's schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses Hazardous uses (e.g. above-ground bulk fuel storage)	Locate structures maximum distance from extended runway centerline Minimum NLR of 45 dB residences (including mobile homes) and office buildings ⁹ Airspace review required for objects > 35 feet tall ⁷
Zone 3: Inner Turning	1 d.u. per 2 acres	210 persons per acre	20%	Uses allowed in Zone 2 Greenhouses, Light industrial, vehicle repair services	Residential uses to very low densities Industrial, office and other commercial uses to low intensities	Commercial and other nonresidential uses having higher usage intensities Buildings with more than three aboveground floors Hazardous uses (e.g. aboveground bulk fuel storage)	Major shopping centers, theaters, meeting halls and other assembly facilities Children's schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses	Avigation easement dedication ⁵ Locate structures maximum distance from extended runway centerline Minimum NLR of 45 dB residences (including mobile homes) and office buildings ⁹ Airspace review required for objects > 35 feet tall ⁷



TABLE 4A (Continued)
Safety Criteria Matrix

Zone	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Required Open Land ³	Allow	Limit	Avoid	Prohibit ⁴	Other Development Conditions ⁵
Zone 4: Outer Approach/ Departure	1 d.u. per 2 acres	300 persons per acre	20%	Uses allowed in Zone 3 Restaurants, retail, industrial	Residential uses to low density	High-intensity retail or of- fice buildings	Theaters, meeting halls and other assembly facilities Children’s schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses	Avigation easement dedication ⁵ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings ⁶ Airspace review required for objects >70 feet tall ⁸
Zone 4A: Outer Approach/ Departure	6 d.u. per acre ¹⁰	Same as Zone 4 ¹⁰	20%	Uses allowed in Zone 2A Restaurants, retail, industrial	Residential uses to low density	High-intensity retail or of- fice buildings	Theaters, meeting halls and other assembly facilities Children’s schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses	Minimum NLR of 25 dB in residences (including mobile homes) and office buildings ⁶ Airspace review required for objects >70 feet tall ⁸
Zone 4B: Outer Approach/ Departure	30 d.u. per acre ¹¹	Same as Zone 4 ¹¹	20%	Uses allowed in Zone 2A Restaurants, retail, industrial	Residential uses to low density	High-intensity retail or of- fice buildings	Theaters, meeting halls and other assembly facilities Children’s schools, large day-care centers, hospitals, nursing homes Stadiums, group recreational uses	Minimum NLR of 25 dB in residences (including mobile homes) and office buildings ⁶ Airspace review required for objects >70 feet tall ⁸



TABLE 4A (Continued)
Safety Criteria Matrix

Zone	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Required Open Land ³	Allow	Limit	Avoid	Prohibit ⁴	Other Development Conditions ⁵
Zone 5: Sideline	1 d.u. per acre	210 persons per acre	25%	Uses allowed in Zone 4 (subject to height limitations for airspace protection) All common aviation-related activities provided that FAA height-limit criteria are met	Nonresidential uses similarly to Zone 3	Residential uses unless airport related (noise usually also a factor) High-intensity nonresidential uses Buildings with more than three aboveground floors	Stadiums, group recreational uses Children's schools, large day-care centers, hospitals, nursing homes	Same as Zone 3 Uses on airport subject to FAA standards
Zone 6: Traffic Pattern ⁹	No Limit	800 persons per acre	No Requirement	Residential uses (however, noise and overflight impacts should be considered where ambient noise levels are low)	Children's schools, large day care centers, hospitals, and nursing homes Processing and storage of bulk quantities of highly hazardous materials	Outdoor stadiums and similar uses with very high intensities	None	Airspace review required for objects >100 feet tall ⁸

Notes:

- 1 Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands. Also see Policy 4.1.5.3 on infill.
- 2 Usage intensity calculations shall include the peak number of people per gross acre (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands. Also see Policy 4.1.5.3 on infill.
- 3 Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.
- 4 The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria, subject to applicable state or federal law. In addition to these explicitly prohibited uses, other uses normally permitted may not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.
- 5 As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required.



TABLE 4A (Continued)
Safety Criteria Matrix

Notes: (Continued)

- 6 NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.
- 7 Objects up to 35 feet in height are permitted. However, the Federal Aviation Administration may require marking and lighting of certain objects.
- 8 This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not be obstructions.
- 9 Andy McBeth and Ward Field Airports do not have traffic pattern safety zones because of low aircraft operation activity levels. See Appendix A.
- 10 Due to the limited availability of privately owned land within Del Norte County and existing level of development in these privately owned areas, residential density limits have been established that allow up to 15 dwellings per acre for Zone 2A, and up to 6 dwellings per acre for Zone 4A; these residential densities are based on the 2003 Del Norte County General Plan. Future updates to the Del Norte County General Plan attempting to increase densities or intensities in these areas would not be consistent with this ALUCP.
- 11 Due to the limited availability of privately owned land within Del Norte County and existing level of development in these privately owned areas, residential density limits have been established that allow up to 30 dwelling units per acre for Zone 4B; these residential densities are based on the 2001 Crescent City General Plan. Future updates to the Crescent City General Plan attempting to increase densities or intensities in these areas would not be consistent with this ALUCP.

Legend:

RPZ	Runway Protection Zone	SZ	Sideline Safety Zone
IADZ	Inner Approach/Departure Zone	ITZ	Inner Turning Zone
TPZ	Traffic Pattern Zone	OADZ	Outer Approach/Departure Zone
AIA	Airport Influence Area		

4.3.1.2 Airport Property

Land uses located on airport property include both landside and airside facilities. Landside facilities include terminal areas, fixed base operator buildings, hangars, tie-down areas, automobile parking areas, and areas planned for aviation uses. Airport buildings, aviation support facilities, hotels and motels, airport-related commercial uses, offices, light industrial uses, and sewage facilities if they are constructed so as not to constitute a hazard are permitted on Airport Property. Airside facilities include runways, taxiways, and associated safety areas and setbacks per FAA regulations. All uses within the Aircraft Activity Areas must meet FAA regulations or be approved by the FAA.

4.3.2 Noise

The purpose of noise compatibility policies is to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise. Projected noise contours are calculated based upon forecasted aircraft activity as indicated in an airport master plan or that is considered by the ALUC to be plausible (refer to activity data in **Appendix B**). The ALUC or the entities that operate airports in Del Norte County should periodically review these projected noise level contours and update them if appropriate.

The locations of CNEL contours are among the factors used to determine land use compatibility. The depicted noise contour boundaries, however, are not absolute determinants of the compatibility. The inherent variability of aircraft flight paths and pilot training that occur at the airport all influence noise emissions in the vicinity of airports. This variability in aircraft flight paths and training activity can create significant single event noise levels that can be disruptive to noise-sensitive land uses.



4.3.2.1 Application of Noise Contours:

The locations of CNEL contours are among the factors used to define compatibility zone boundaries and criteria. Because of the inherent variability of flight paths and other factors that influence noise emissions, the depicted contour boundaries on **Exhibit 4G** (Jack McNamara Field), **Exhibit 4H** (Ward Field), and **Exhibit 4J** (Andy McBeth Airport) are not absolute determinants of the compatibility or incompatibility of a given land use on a specific site or a portion thereof. Noise contours can only quantify noise impacts in a general manner.

Additionally, these exhibits designate areas as either rural or suburban based on the definitions provided in Sections 4.0.28 and 4.0.29. Based on guidance provided in the Handbook, noise compatibility thresholds should take into account local conditions, including the background noise level of an area, which may influence expected community reactions.

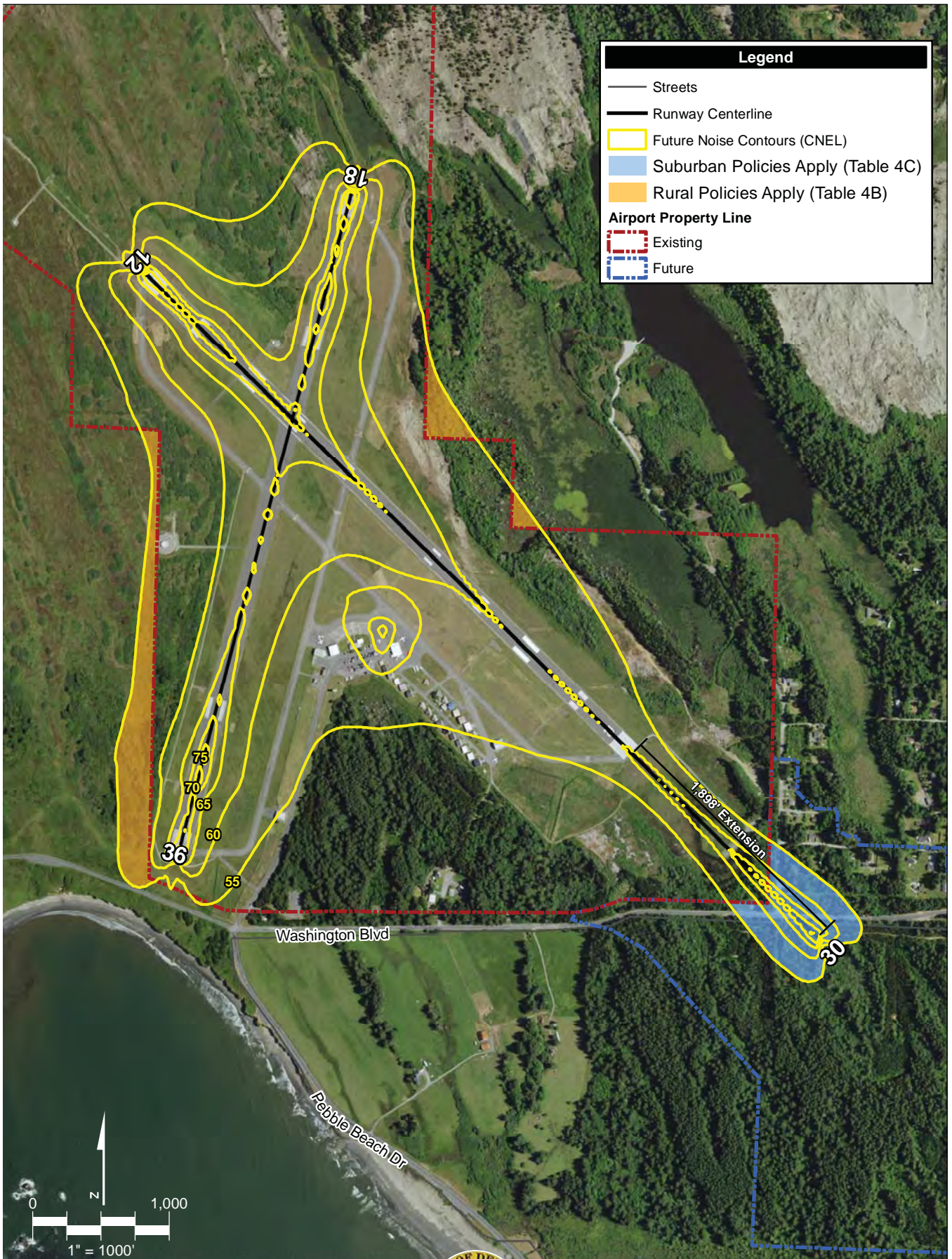
4.3.2.2 Noise Exposure in Rural Areas:

Examples of acceptable noise levels for land uses in suburban areas (See Section 4.0.28) in an airport’s vicinity are presented in **Table 4B**. These standards shall be based upon noise contours calculated as described above. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise.

TABLE 4B
Rural Noise Compatibility Criteria

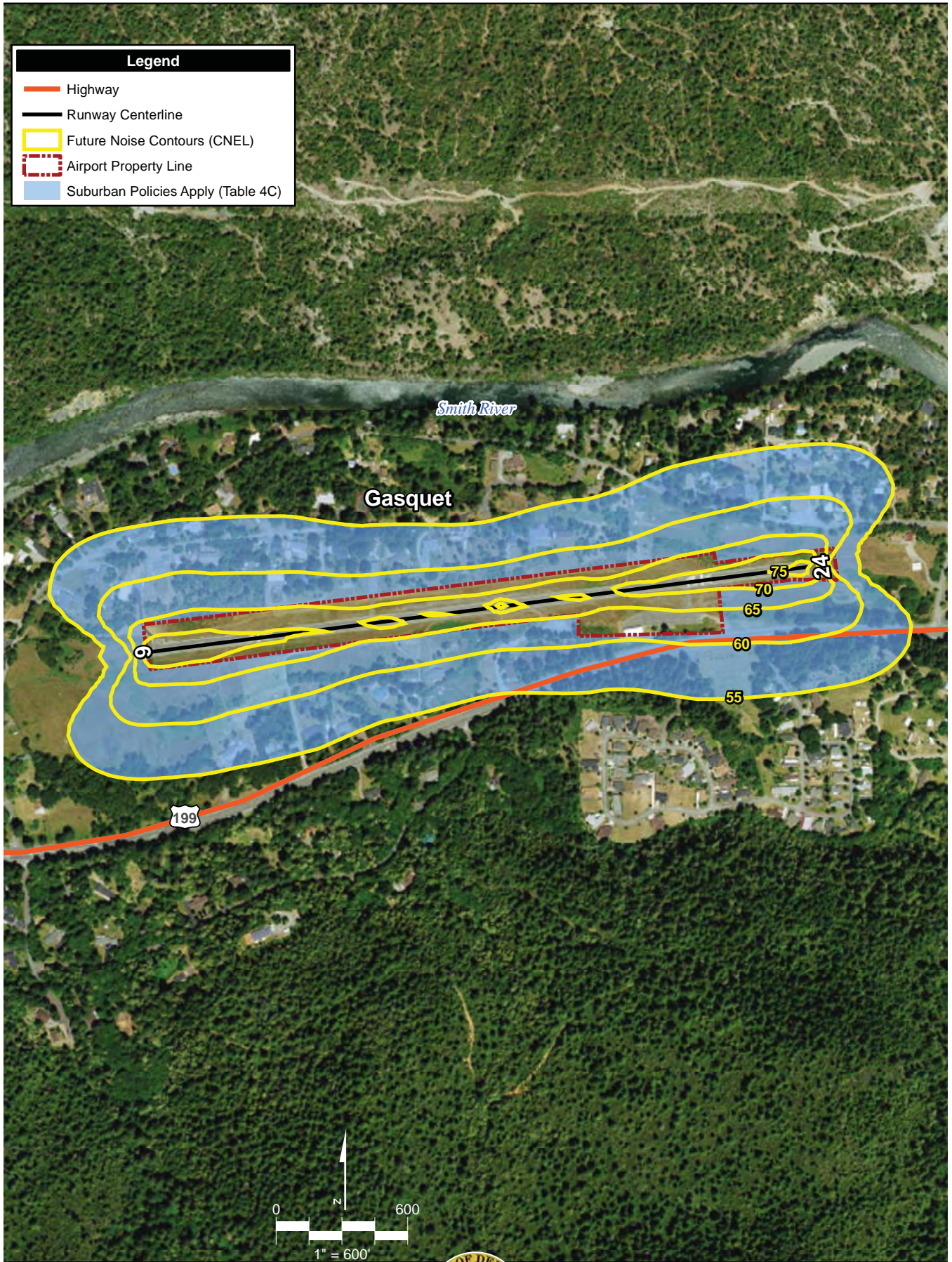
	CNEL		
	55-60	60-65	65+
RESIDENTIAL			
Single family, duplex, multi-family, manufactured housing	Y[1,2,3]	N	N
Manufactured housing	N	N	N
PUBLIC FACILITIES			
Education facilities	Y[1,2,3]	N	N
Religious facilities, libraries, museums, galleries, clubs and lodges	Y[1,2,3]	N	N
Outdoor sport events, entertainment and public assembly except amphitheaters	Y	N	N
Indoor recreation, amusements, athletic clubs, gyms and spectator events, parks, outdoor recreation: tennis, golf courses, riding trails, etc.	Y	Y	Y





Legend

- Highway
- Runway Centerline
- Future Noise Contours (CNEL)
- Airport Property Line
- Suburban Policies Apply (Table 4C)



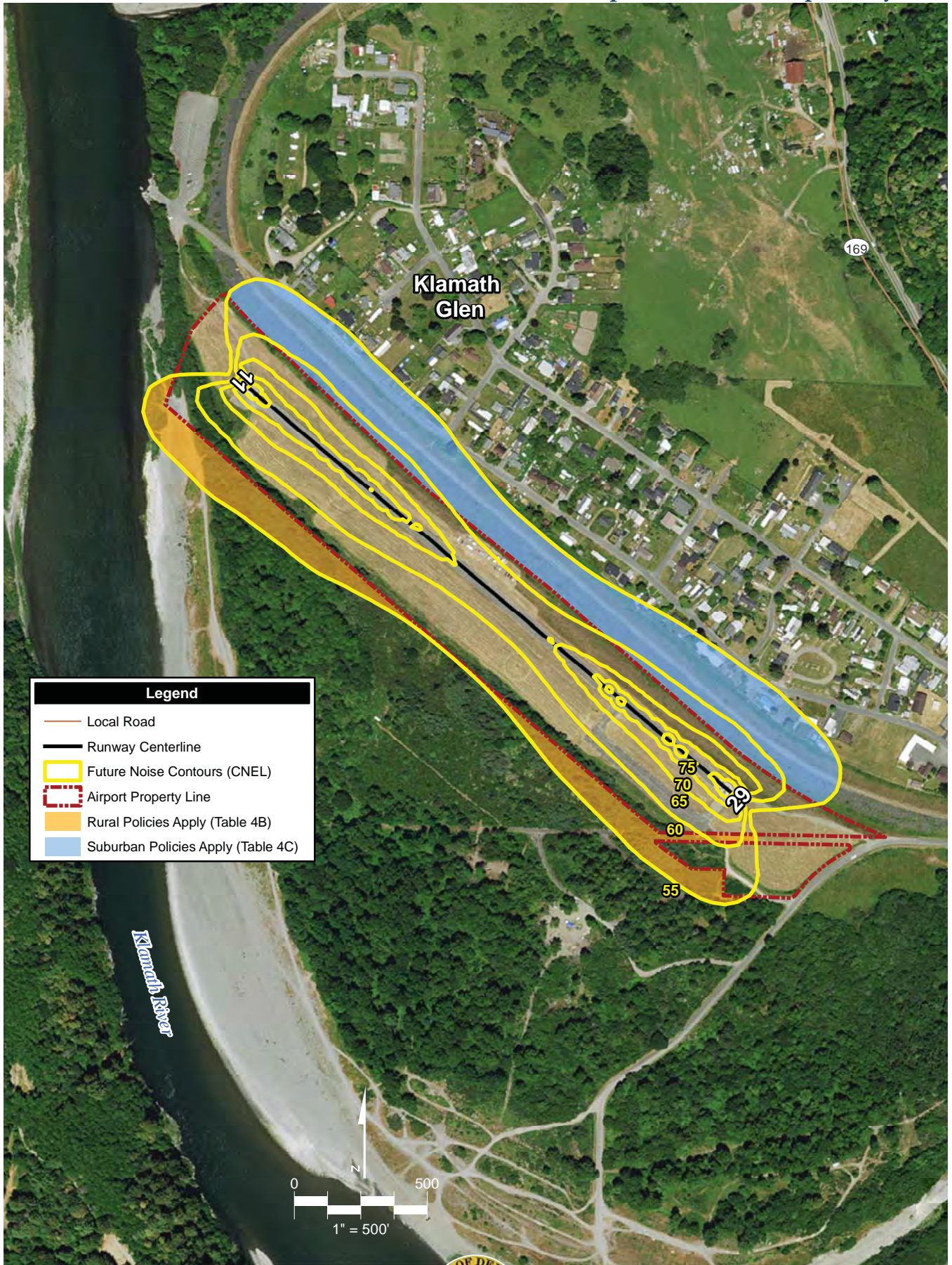


TABLE 4B (Continued)
Rural Noise Compatibility Criteria

	CNEL		
	55-60	60-65	65+
COMMERCIAL			
Hotels/motels	Y[1,2,3]	N	N
Hospitals and other health care Services	Y[1,2,3]	N	N
Services: finance, real estate, insurance, professional and government offices	Y	Y[1]	Y[1]
Retail sales: building materials, farm equipment, automotive, marine, mobile homes, recreational vehicles and accessories	Y	Y[1]	Y[1]
Restaurants, eating and drinking Establishments	Y	Y[1]	Y[1]
Retail sales: general merchandise, food, drugs, apparel, etc.	Y	Y[1]	Y[1]
Personal services: barber and beauty shops, laundry and dry cleaning, etc.	Y	Y[1]	Y[1]
Automobile service stations	Y	Y	Y
Repair services	Y	Y	Y[1]
INDUSTRIAL			
Processing of food, wood and paper products; printing and publishing; warehouses, wholesale and storage activities	Y	Y	Y
Refining, manufacturing and storage of chemicals, petroleum and related products, manufacturing and assembly of electronic components, etc.	Y	Y	Y
Manufacturing of stone, clay, glass, leather, gravel and metal products; construction and salvage yards; natural resource extraction and processing, agricultural, mills and gins	Y	Y	Y
AGRICULTURE			
Animal husbandry, livestock farming, breeding and feeding; plant nurseries (excluding retail sales)	Y	Y	Y[1]
Farming (except livestock)	Y	Y	Y

Y – Consistent

N – Not consistent

- 1 Fair disclosure statement required as a condition of development approval or building permit issuance.
- 2 Avigation easement required as a condition of development approval or building permit issuance.
- 3 Sound insulation required to reduce interior to exterior noise levels by at least 25dB.

4.3.2.3 Noise Exposure in Suburban Areas:

Examples of acceptable noise levels for land uses in suburban areas (See Section 4.0.29) in an airport’s vicinity are presented in **Table 4C**. These standards shall be based upon noise contours calculated as



described above. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise.

TABLE 4C
Suburban Noise Compatibility Criteria

	CNEL		
	60-65	65-70	70-75
RESIDENTIAL			
Single family, duplex, multi-family, manufactured housing	Y[1,2,3]	N	N
Manufactured housing	N	N	N
PUBLIC FACILITIES			
Education facilities	Y[1,2,3]	N	N
Religious facilities, libraries, museums, galleries, clubs and lodges	Y[1,2,3]	N	N
Outdoor sport events, entertainment and public assembly except amphitheaters	Y	N	N
Indoor recreation, amusements, athletic clubs, gyms and spectator events, parks, outdoor recreation: tennis, golf courses, riding trails, etc.	Y	Y	Y
COMMERCIAL			
Hotels/motels	Y[1,2,3]	N	N
Hospitals and other health care Services	Y[1,2,3]	N	N
Services: finance, real estate, insurance, professional and government offices	Y	Y[1]	Y[1]
Retail sales: building materials, farm equipment, automotive, marine, mobile homes, recreational vehicles and accessories	Y	Y[1]	Y[1]
RESIDENTIAL			
Restaurants, eating and drinking Establishments	Y	Y[1]	Y[1]
Retail sales: general merchandise, food, drugs, apparel, etc.	Y	Y[1]	Y[1]
Personal services: barber and beauty shops, laundry and dry cleaning, etc.	Y	Y[1]	Y[1]
Automobile service stations	Y	Y	Y
Repair services	Y	Y	Y[1]



TABLE 4C (Continued)
Suburban Noise Compatibility Criteria

	CNEL		
	60-65	65-70	70-75
INDUSTRIAL			
Processing of food, wood and paper products; printing and publishing; warehouses, wholesale and storage activities	Y	Y	Y
Refining, manufacturing and storage of chemicals, petroleum and related products, manufacturing and assembly of electronic components, etc.	Y	Y	Y
Manufacturing of stone, clay, glass, leather, gravel and metal products; construction and salvage yards; natural resource extraction and processing, agricultural, mills and gins	Y	Y	Y
AGRICULTURE			
Animal husbandry, livestock farming, breeding and feeding; plant nurseries (excluding retail sales)	Y	Y	Y[1]
Farming (except livestock)	Y	Y	Y

Y - Consistent

N – Not consistent

- 1 Fair disclosure statement required as a condition of development approval or building permit issuance.
- 2 Avigation easement required as a condition of development approval or building permit issuance.
- 3 Sound insulation required to reduce interior to exterior noise levels by at least 25dB.

4.3.2.4 Interior Noise Levels:

Land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.

(a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is 45 dB CNEL in:

- Any habitable room of single or multi-family residences;
- Hotels and motels;
- Hospitals and nursing homes;
- Religious, meeting halls, theaters, and mortuaries;

- Office buildings; and
- Schools, libraries, and museums.

(b) The noise contours depicted in this ALUCP shall be used in determining compliance with these criteria. The calculations should assume that windows are closed. See Section 4.3.2.1.



(c) When reviewed as part of a general plan or zoning ordinance amendment or as a major land use action, evidence that proposed structures will be designed to comply with the above criteria shall be submitted to the ALUC under the following circumstances:

- (1) Any single or multi-family residence situated within an airport's 60 CNEL contour. [Wood frame buildings constructed to meet current standards for energy efficiency typically have an average NLR of approximately 20 dB with windows closed.]
- (2) Any hotel or motel, hospital or nursing home, church, meeting hall, office building, religious facility, school, library, or museum situated with an airport's 65-dB CNEL contour.

4.3.3 Airspace Protection

Tall structures, trees, and other objects, particularly when located near airports or on high terrain, may constitute hazards to aircraft in flight. Federal regulations establish the criteria for evaluating potential obstructions. These regulations also require that the Federal Aviation Administration be notified of proposals for creation of certain such objects. In response to filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, the FAA conducts aeronautical studies of these objects and determines whether they would be hazards, but it does not have the authority to prevent their creation. The purpose of ALUC airspace protection policies, together with regulations established by local land use jurisdictions and the state government, is to ensure that hazardous obstructions to the navigable airspace do not occur.

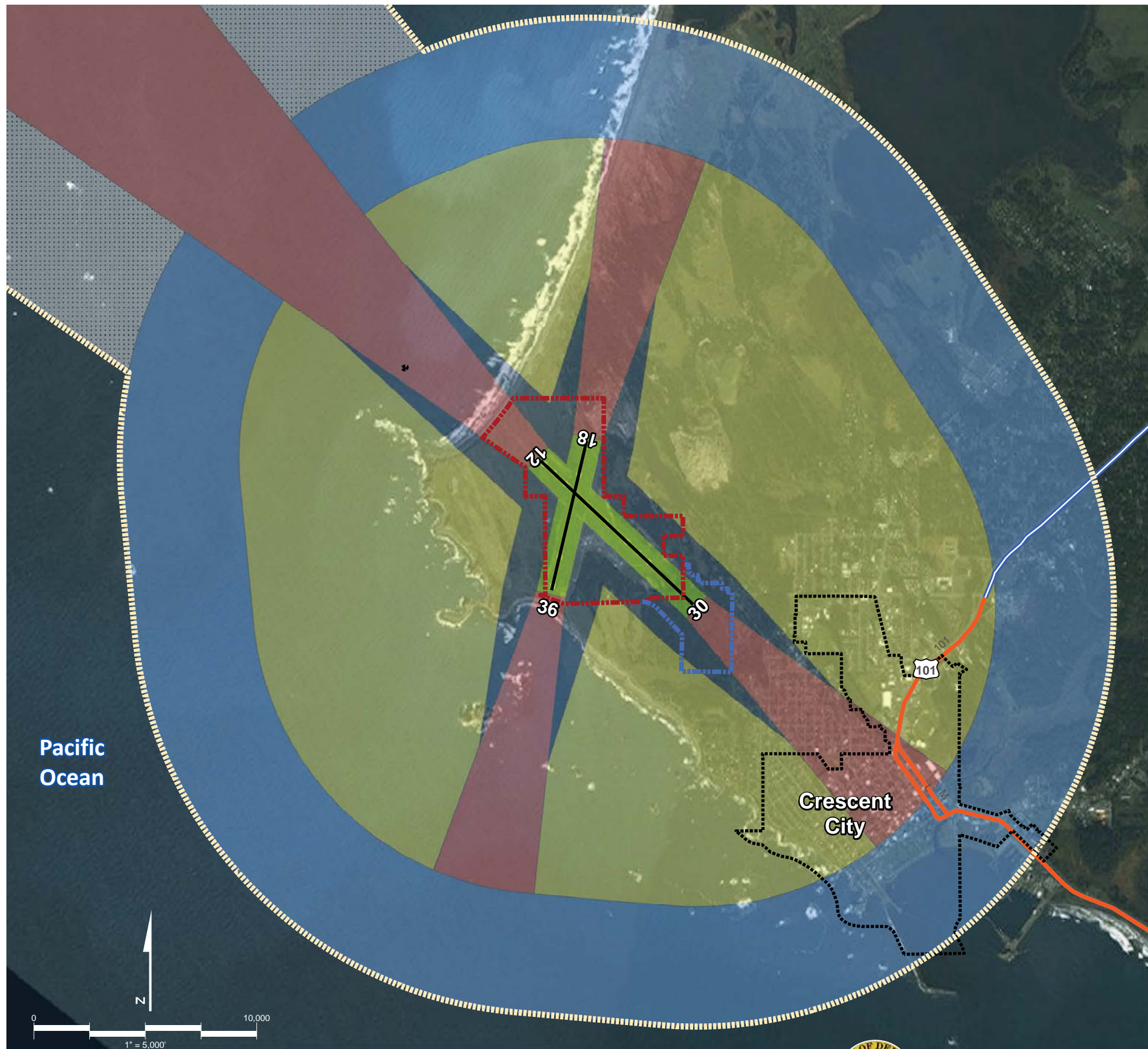
4.3.3.1 Basis for Height Limits:

The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be based upon: Part 77, Subpart C, of the CFR; and applicable airport design standards published by the Federal Aviation Administration. Airspace plans depicting the critical areas for airspace protection around each of the airports covered by this ALUCP are depicted on **Exhibit 4K** (Jack McNamara Field), **Exhibit 4L** (Ward Field), and **Exhibit 4M** (Andy McBeth Airport).

4.3.3.2 ALUC Review of Height of Proposed Objects:

All proposed objects must comply with the height limitations set forth with FAA criteria including 14 CFR Part 77. Proposed objects that would exceed the heights indicated below for the respective compatibility zones potentially represent airspace obstructions issues. Development proposals that include any such objects shall be reviewed by the ALUC. Objects of lesser height normally would not have a potential for being airspace obstructions and, therefore, do not require ALUC review with respect to airspace protection criteria (noise, safety, and overflight concerns may still be present). Caution should be exercised, however, with regard to any object more than 50 feet high proposed to be located on a

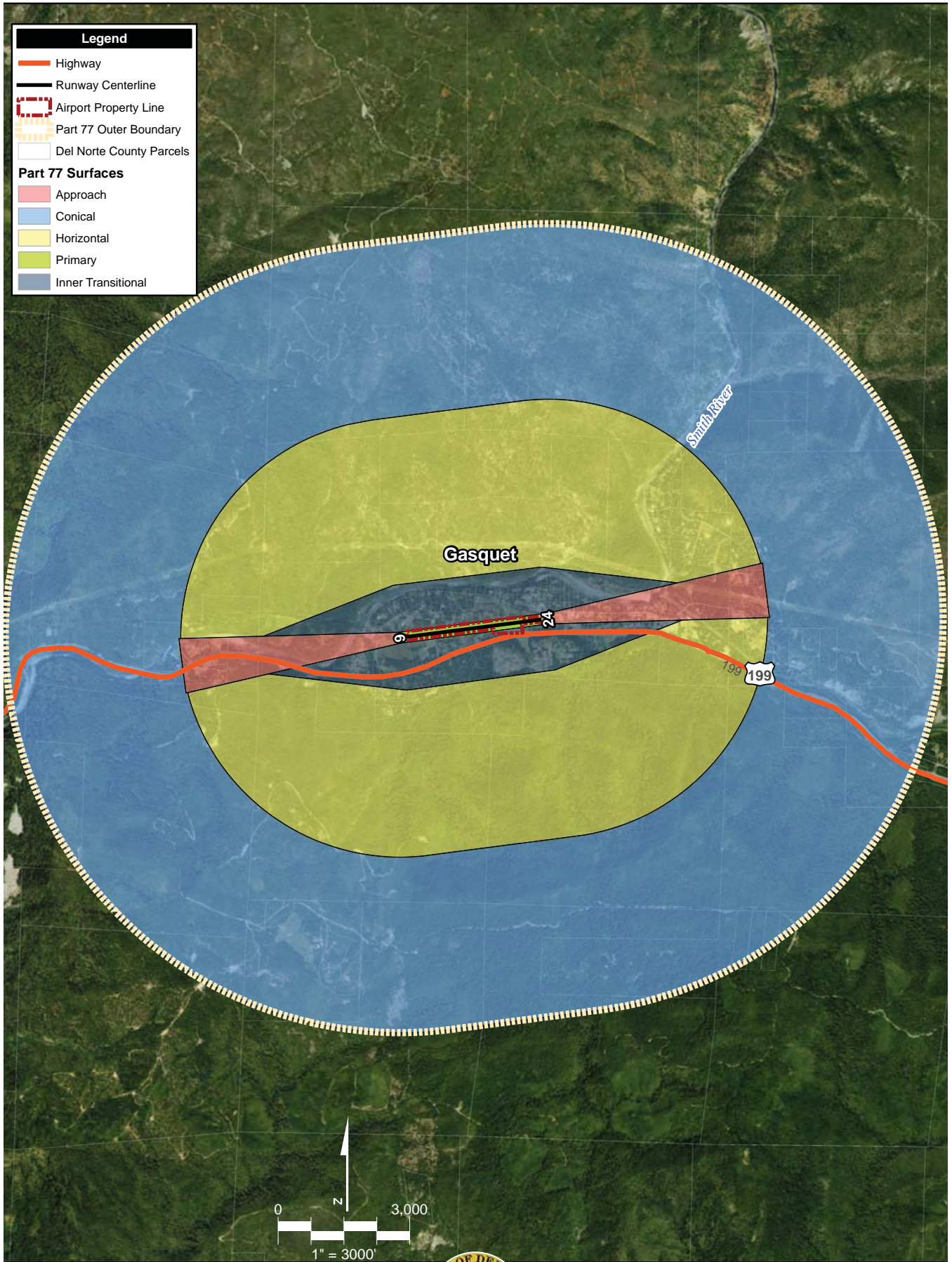


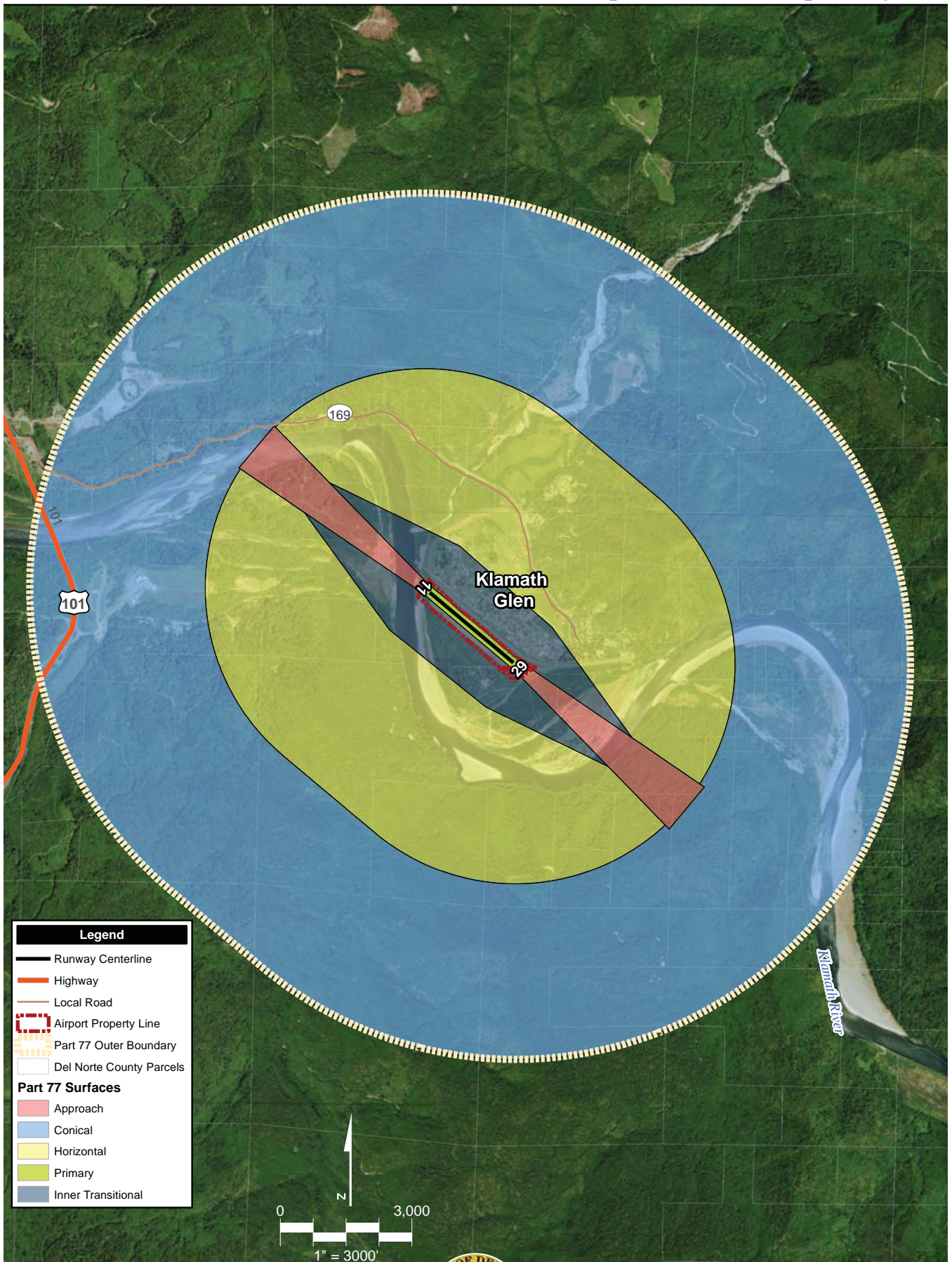


Legend	
	Airport Property Line
	Future Airport Property
	Runway Centerline
	City Limits
	Part 77 Outer Boundary
	Del Norte County Parcels
Highways	
	Limited Access
	Highway
Part 77 Surfaces	
	Approach
	Conical
	Horizontal
	Outer Transitional
	Primary
	Inner Transitional



This page intentionally left blank



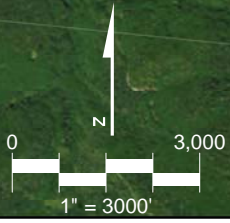


Legend

- Runway Centerline
- Highway
- Local Road
- - - Airport Property Line
- - - Part 77 Outer Boundary
- Del Norte County Parcels

Part 77 Surfaces

- Approach
- Conical
- Horizontal
- Primary
- Inner Transitional



site that is substantially higher than surrounding terrain. The following guidance applies for projects within the safety zones depicted on the respective Compatibility Maps:

(a) Within Safety Zone 1 (RPZ), the height of any proposed development, including vegetation, requires review.

(b) Within Safety Zones 2 (IADZ), 3 (ITZ), and 5 (SZ), ALUC review is required for any proposed object taller than 35 feet AGL unless the airport controls an easement on the land on which the object is to be located and grants a waiver to height restrictions.

(c) Within Safety Zone 4 (OADZ), ALUC review is required for any proposed object taller than 70 feet AGL.

(d) Within Zone 6 (TPZ) and the AIA, ALUC review is required for any proposed object taller than 100 feet AGL. The following conditions also apply:

- Proposed structures are prohibited on terrain that already penetrates 14 CFR Part 77 surfaces identified on **Exhibit 4N** (Ward Field) and **Exhibit 4P** (Andy McBeth Airport). Also, See Example 1 on **Exhibit 4Q**.
- If existing mature trees within 25 feet of the proposed structure exceed the final height of the proposed structure, the proposed structure can be permitted if all other compatibility criteria are met (See Example 2 on **Exhibit 4Q**).
- Proposed structures require additional airspace analysis and FAA Form 7460 is required within the 50-foot terrain penetration buffer (See Example 3 on **Exhibit 4Q**).

4.3.3.3 Height Restriction Criteria:

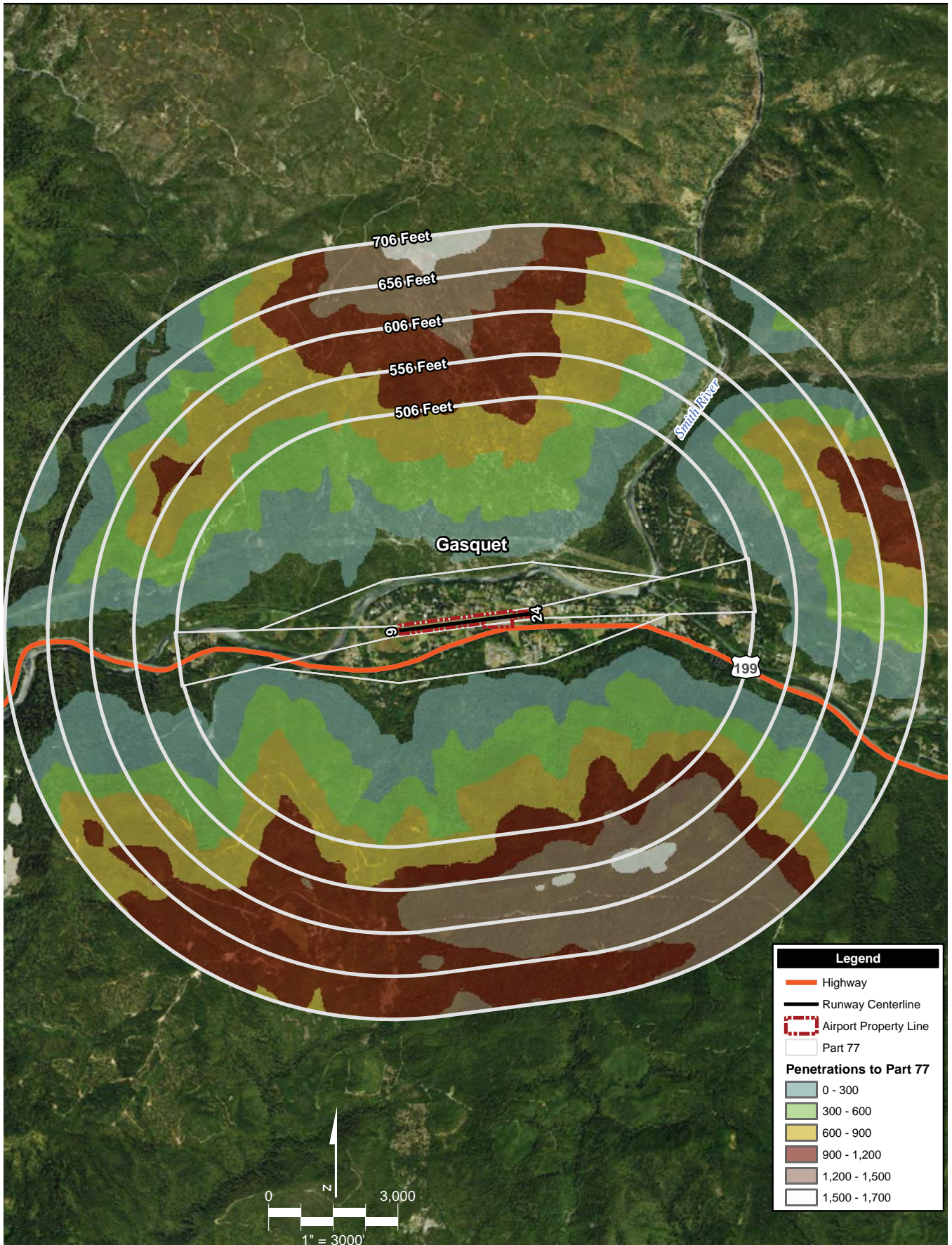
The height of objects within the influence area of each airport shall be reviewed, and restricted if necessary, according to the following criteria. The locations of these zones are depicted on the respective Compatibility Maps.

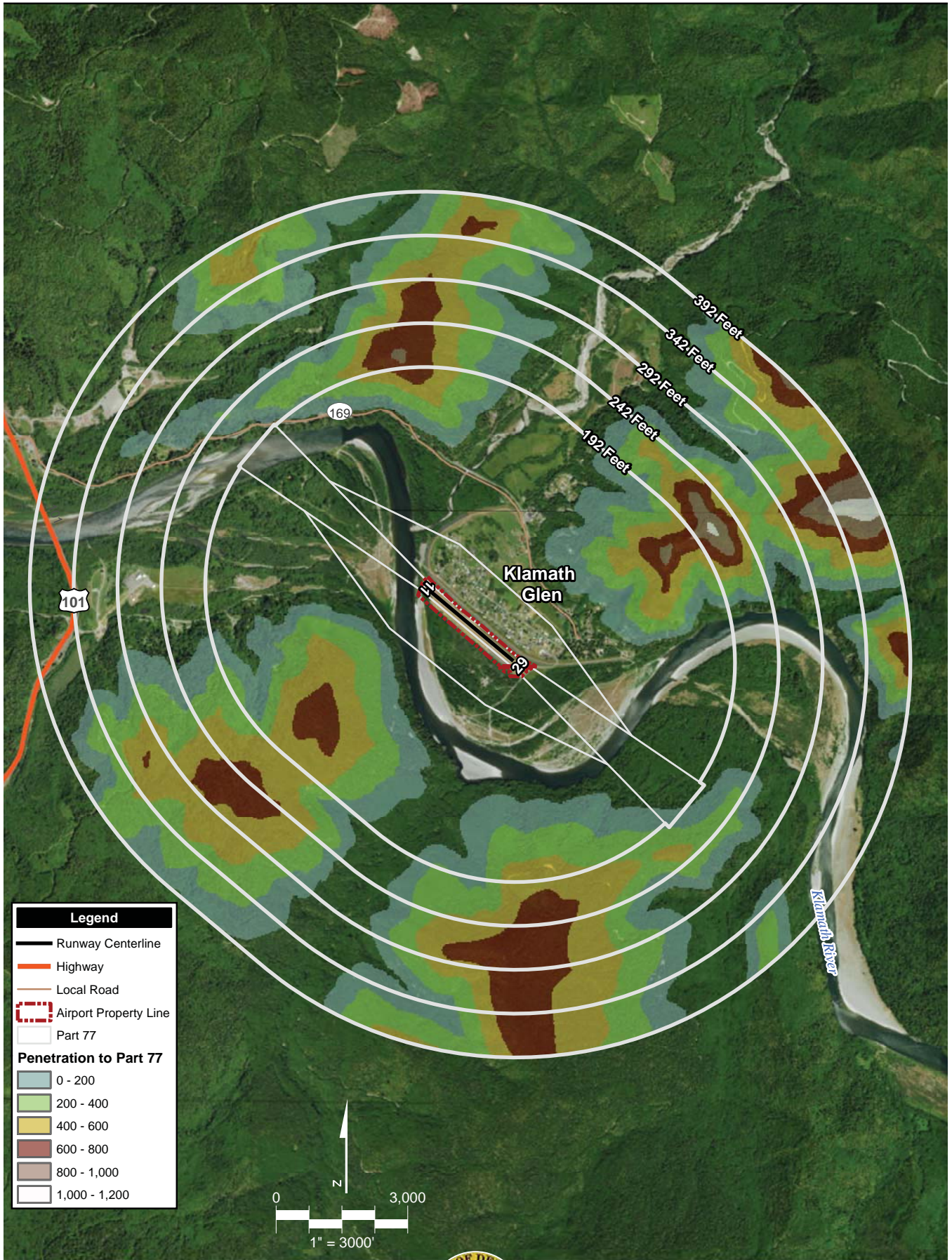
(a) Within Safety Zone 1 (RPZ), the height of all objects shall be limited in accordance with applicable Federal Aviation Administration criteria, including 14 CFR Part 77, and/or FAA airport design standards.

(b) Within Safety Zones 2 (IADZ), 3 (ITZ), and 5 (SZ):

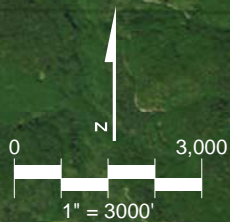
- (1) Objects up to 35 feet AGL tall and do not penetrate the 14 CFR Part 77 surfaces are acceptable and do not require ALUC review for the purposes of height factors.
- (2) ALUC review is required for any proposed object taller than 35 feet AGL.
- (3) Federal Aviation Administration review may be necessary for proposed objects adjacent to the runway edges and the FAA may require marking and lighting of certain objects (the affected areas are generally on airport property).



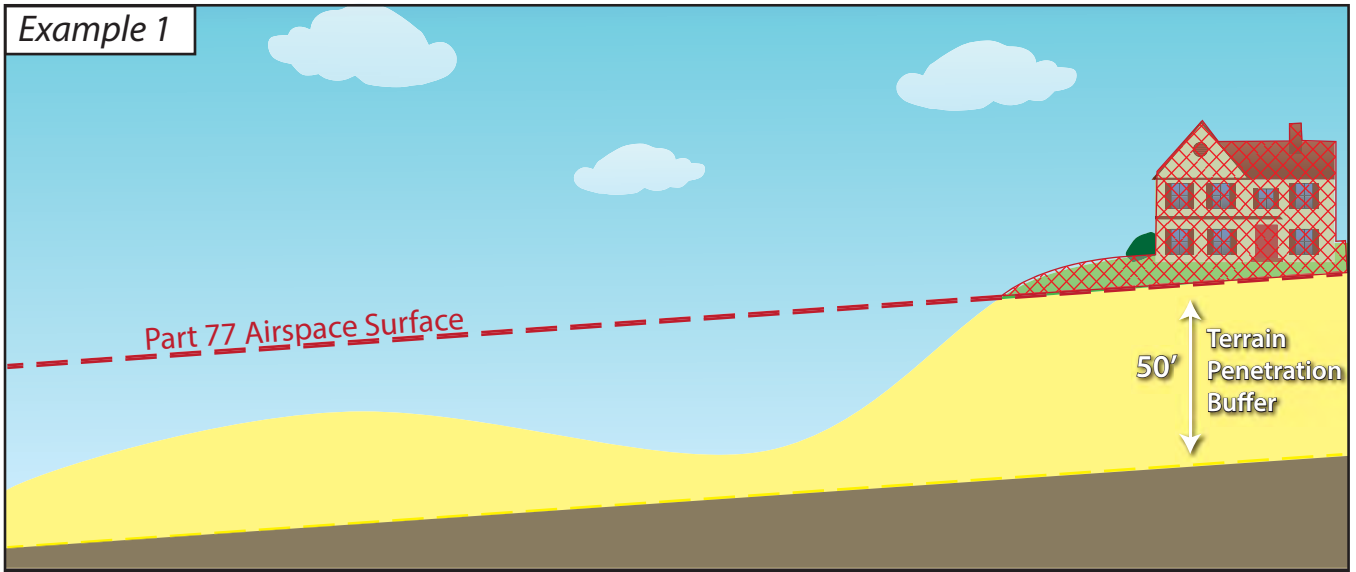




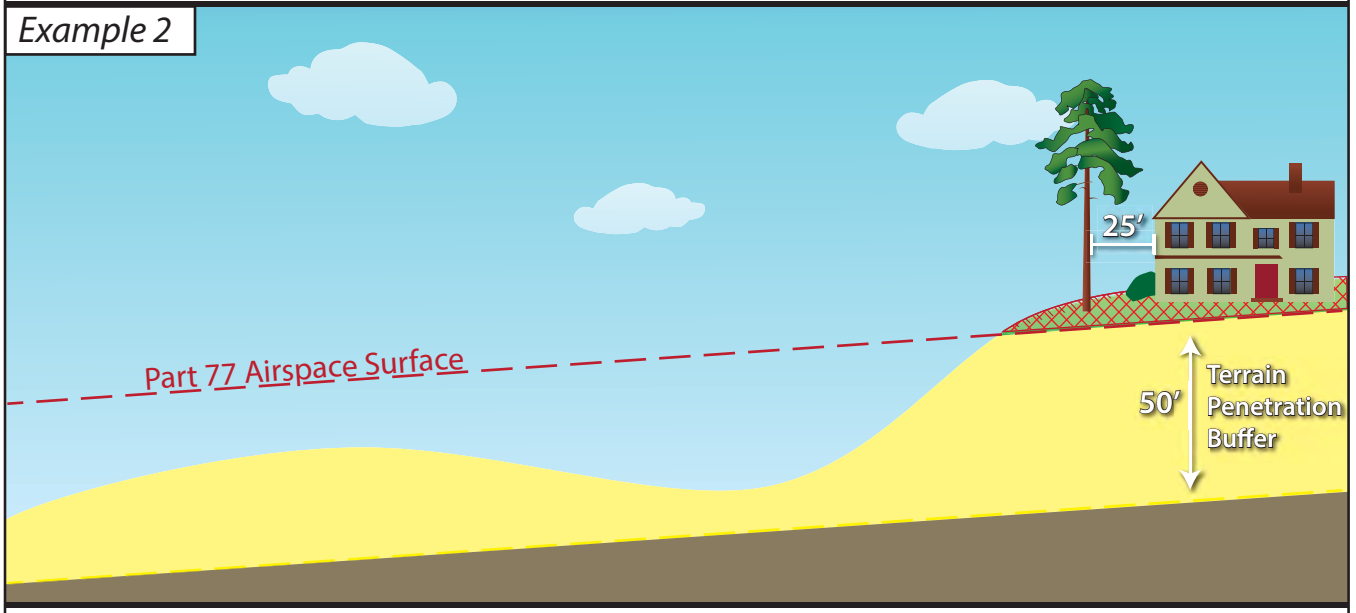
Legend	
	Runway Centerline
	Highway
	Local Road
	Airport Property Line
	Part 77
Penetration to Part 77	
	0 - 200
	200 - 400
	400 - 600
	600 - 800
	800 - 1,000
	1,000 - 1,200



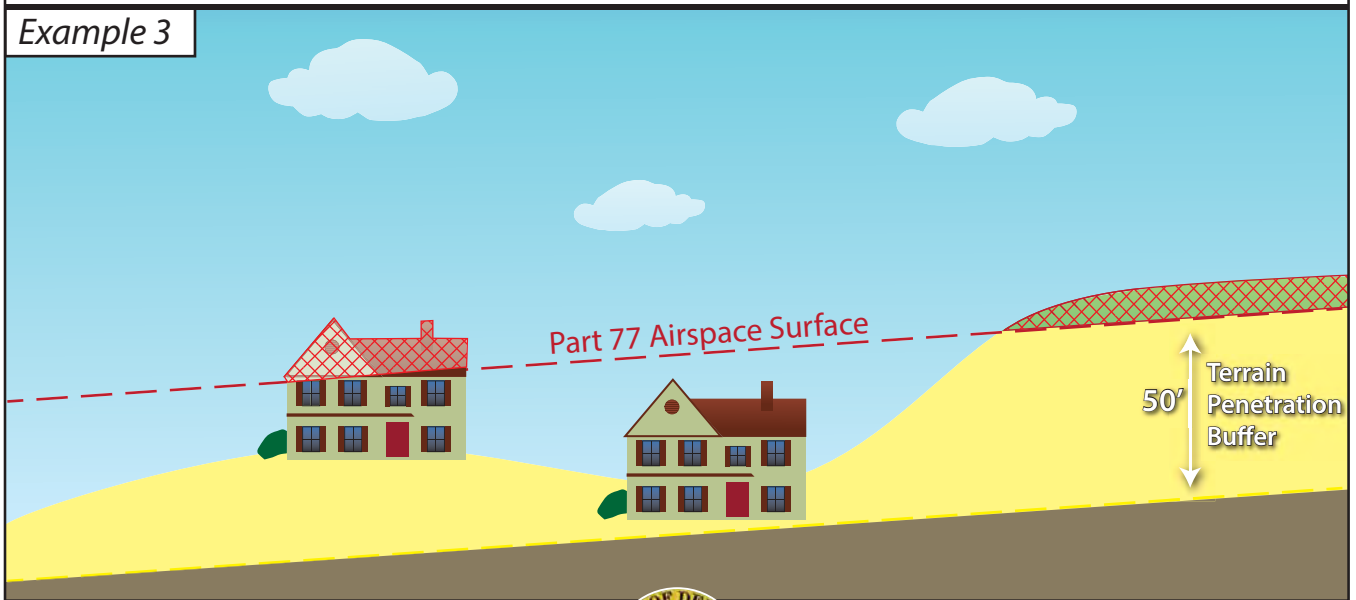
Example 1



Example 2



Example 3



(c) Within Zone 4 (OADZ), generally, there is no concern with regard to any object up to 70 feet AGL tall unless it is located on high ground or it is a solitary object (e.g., an antenna) more than 35 feet AGL taller than other nearby objects.

(d) Within Zone 6 (TPZ) and AIA, generally, there is no concern with regard to any object up to 100 feet AGL tall unless it is located on high ground or it is a solitary object (e.g., an antenna) more than 35 feet AGL above the ground.

4.3.3.4 Avigation Easement Dedication:

As a condition for development approval, the owner of any property proposed for development within Safety Zones: 1 (RPZ), 2 (IADZ), 3 (ITZ), 4 (OADZ), and 5 (SZ) shall be required to dedicate an avigation easement to the entity owning the affected airport. The avigation easement shall:

- (a) Provide the right of flight in the airspace above the property;
- (b) Allow the generation of noise and other impacts associated with aircraft overflight;
- (c) Restrict the height of structures, trees, and other objects;
- (d) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
- (e) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property. An example of an avigation easement is provided in **Appendix C**.

4.3.3.5 Other Flight Hazards:

New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics of land use proposals to be evaluated include:

- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of electrical interference with aircraft communications or navigation; and
- (d) Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds. (Refer to FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills Near Public Airports* or latest version of these advisory circulars.)



4.3.3.6 FAA Notification:

Proponents of a project involving objects that may exceed a CFR Part 77 surface must notify the Federal Aviation Administration as required by CFR Part 77, Subpart B, and by the PUC, Sections 21658 and 21659. (Notification to the Federal Aviation Administration under CFR 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. Refer to Appendix C for the specific FAA notification requirements.)

- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the FAA.
- (b) The requirement for notification to the FAA shall not necessarily trigger an airport compatibility review of an individual project by the ALUC if the project is otherwise in conformance with the compatibility criteria established herein.
- (c) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals shall also be submitted to the ALUC for review regardless of where in the county they would be located.
- (d) Any project submitted to the ALUC for airport land use compatibility review for which FAA notification is required shall include a copy of the CFR Part 77 notification to the Federal Aviation Administration and the FAA findings if available.

In addition, FAA notification is required for owners or operators proposing to site new, or expand existing, Municipal Solid Waste Landfills (MSWLFs) within a five-mile radius of any airport runway (CFR 40, Subchapter 1, Part 258, Subpart B, Section 258.10). FAA Form 7460-1, Notice of Proposed Construction or Alteration, or other suitable document similar to FAA Form 7460-1 may be used to notify the appropriate FAA Regional Airports Division Office of a planned siting or expansion of a MSWLF, as well as other potential wildlife attractants.

4.3.4 Overflight

Noise from individual operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the mapped noise contours. 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 lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

4.3.4.1 State Law Requirements Regarding Real Estate Transfer Disclosure:

Effective January 1, 2004, California State statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require as part of residential real estate transactions that



information be disclosed regarding whether the property is situated within an airport influence area. By state statute, these responsibilities rest with the seller and/or real estate agent.

(a) With certain exceptions, these state requirements apply both to the sale or lease of newly subdivided lands and to the sale of existing residential property.

(b) The statutes 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.” See Section 4.1.2.

(c) Where disclosure is required, the following statement shall be provided:

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.

(d) For the purposes of this ALUCP, the above real estate disclosure provisions of state law shall continue in effect as ALUC policy with respect to new development even if the law is rescinded. Furthermore, each land use jurisdiction affected by this ALUCP should adopt a policy designating the airport influence area as the area wherein disclosure of airport influences is required in conjunction with the transfer of residential real estate. Such local jurisdiction policies should also be applied to lease or rental agreements for existing residential property.





Appendix A

SAFETY SUPPORTING INFORMATION

Appendix A

SAFETY SUPPORTING INFORMATION

The *California Airport Land Use Planning Handbook* (Handbook) provides guidance for establishing safety zones for airports. The example zones, as described in the Handbook and shown on **Exhibit A1**, are based on mathematical analyses of NTSB aircraft accident data and aircraft flight characteristics. The purpose of the zones is to delineate areas with relatively uniform risk levels. **Table A1** provides the Handbook’s analysis of the safety zones, including the distribution of accident data points within each zone.

TABLE A1
Analysis of Safety Zone Examples

	% of Points	Acres	% / Acres
Primary Surface	15%	-	-
Zone 1: Runway Protection Zone	21%	49	0.40
Zone 2: Inner Approach/Departure Zone	10%	101	0.10
Zone 3: Inner Turning Zone	7%	151	0.05
Zone 4: Outer Approach/Departure Zone	5%	69	0.07
Zone 5: Sideline Zone	5%	-	-
Zone 6: Traffic Pattern Zone	23%	-	-
Total Zones 1-6 + Primary Surface	85%	-	-

Source: *California Airport Land Use Planning Handbook* (2011), Table 3B, Example 2

Safety zones at commercial service and general aviation airports can be differentiated by runway length and airport activity. For airports with multiple runways and higher activity levels (more than 2,000 takeoffs and landings per runway end annually), like Jack McNamara Field, zones are selected based on the characteristics of each runway and merged to create a composite zone. For airports with runways less than 4,000 feet long and low activity levels (less than 2,000 takeoffs and landings per runway end annually), such as Andy McBeth Airport and Ward Field, zones are selected based on the level of aviation activity at the airport. **Exhibit A1** (front) shows the safety compatibility zone examples for short, medium, and long runways, and **Exhibit A1** (back) shows zones based on traffic patterns and level of aviation activity. The Handbook zone examples provide a starting point for developing safety zones specific to an airport.

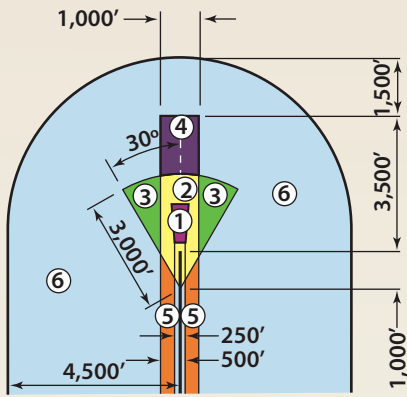
Jack McNamara Field

Jack McNamara Field has two runways, Runways 18/36 and 12/30. Runway 18/36 is 5,001 feet long and considered a Medium General Aviation Runway. Runway 12/30 is currently 5,000 feet long, with an extension planned for a future length of 6,900 feet, making it a Long General Aviation Runway. Both runways have standard left traffic patterns. There are six safety zones for both runways, with slightly different RPZ sizes in Zone 1 for each runway to accommodate the difference in size. **Exhibit A2** is the compatibility factors map, which compiles flight accident data, noise exposure contours, and arrival and departure flight tracks from the noise exposure contours.

Given the following conditions in Del Norte County, additional consideration was given to establishing new airport safety policies in areas that are largely developed.

According to the 2016 Del Norte County Economic and Demographic Profile (Center for Economic Development, CSU Chico, 2016) almost 80 percent of Del Norte County is owned by either the Federal or State government, which immediately eliminates the potential use of the vast majority of Del Norte County for private land development necessary for a healthy economy and housing market. Furthermore, according to the Del Norte County Assessor's Office, of the approximately 20 percent of remaining private lands, the vast majority, based upon acreage, is owned by a single land owner (Green Diamond Resource Company) which, effectively, further limits private land development. Finally, much of the land encompassing the greater Crescent City area is further restricted in use by the presence of numerous environmental constraints, such as wetland, riparian, dune, and other environmentally sensitive habitat areas (ESHA). In summary, Del Norte County has very limited options for land use development and faces numerous obstacles to growth, which has resulted in a crippling effect on the local economy as evidenced by approximately a 20 percent poverty rate, according to recent data from the California Budget Project.

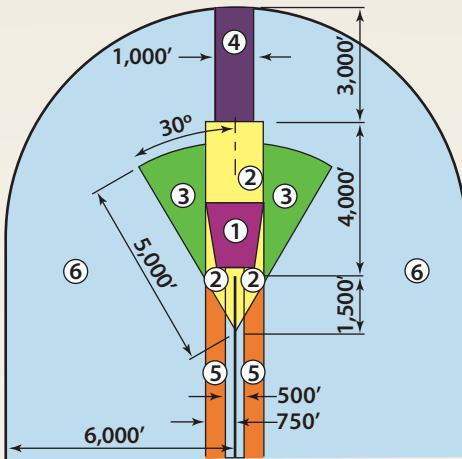
As discussed in the preceding paragraph, land that is suitable for development is clearly scarce in the greater Crescent City area and, as such, the preservation of land that is suitable for development is of great importance for both the City and the County governing bodies and land use agencies. Unfortunately, much of the land that *is* suitable for development in the greater Crescent City area exists in the pathway to Runway 30 of Jack McNamara Field and in geometric areas identified as Zones 2 and 4 using the Handbook guidance. The effect of the application of either Safety Zone 2 or 4, utilizing the default safety zone recommendations of the Handbook, would be to severely downzone this already severely



SHORT GENERAL AVIATION RUNWAY

Assumptions:

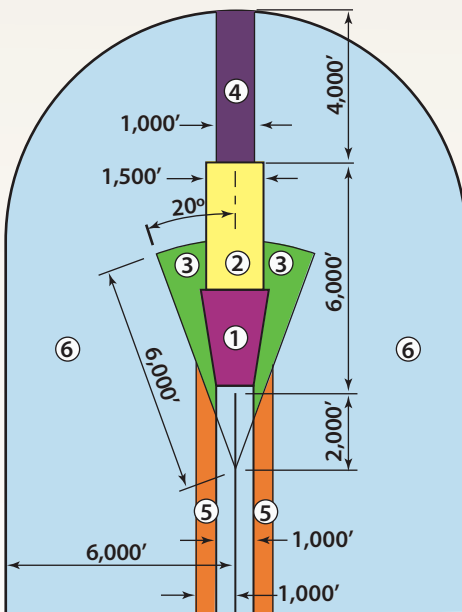
- Length less than 4,000 feet
- Approach visibility minimums \geq 1 mile or visual approach only
- Zone 1 = 250' x 450' x 1,000'



MEDIUM GENERAL AVIATION RUNWAY

Assumptions:

- Length 4,000 to 5,999 feet
- Approach visibility minimums \geq 3/4 mile and < 1 mile
- Zone 1 = 1,000' x 1,510' x 1,700



LONG GENERAL AVIATION RUNWAY

Assumptions:

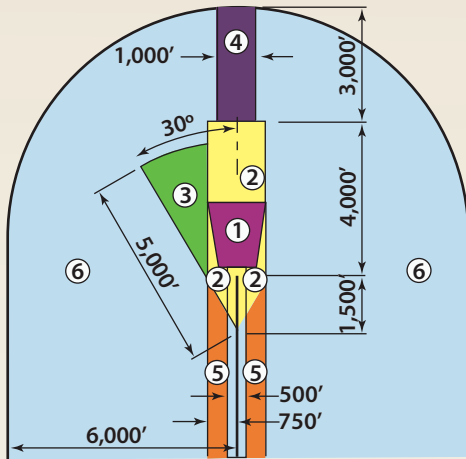
- Length 6,000 or more
- Approach visibility minimums < 3/4 mile
- Zone 1 = 1,000' x 1,750' x 2,500

LEGEND

- | | | |
|---------------------------------|---------------------------------|------------------------|
| ① Runway Protection Zone | ③ Inner Turning Zone | ⑤ Sideline Zone |
| ② Inner Approach/Departure Zone | ④ Outer Approach/Departure Zone | ⑥ Traffic Pattern Zone |

Source: California Airport Land Use Planning Handbook, 2011.

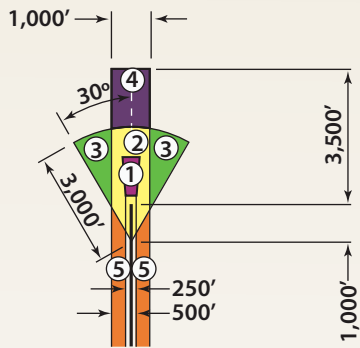




GENERAL AVIATION RUNWAY WITH SINGLE-SIDED TRAFFIC PATTERN

Assumptions:

- Length 4,000 to 5,999 feet
 - Approach visibility minimums $\geq \frac{3}{4}$ mile and < 1 mile
 - Zone 1 = 1,000' x 1,510' x 1,700
- See Note.



LOW ACTIVITY GENERAL AVIATION RUNWAY

Assumptions:

- Less than 2,000 takeoffs and landings per year at individual runway end.
 - Length less than 4,000 feet
 - Approach visibility minimums ≥ 1 mile or visual approach only
- See Note.

Note:

RPZ (Zone 1) size in each example is as indicated by FAA criteria for the approach type assumed. Adjustment may be necessary if the Approach type differs.

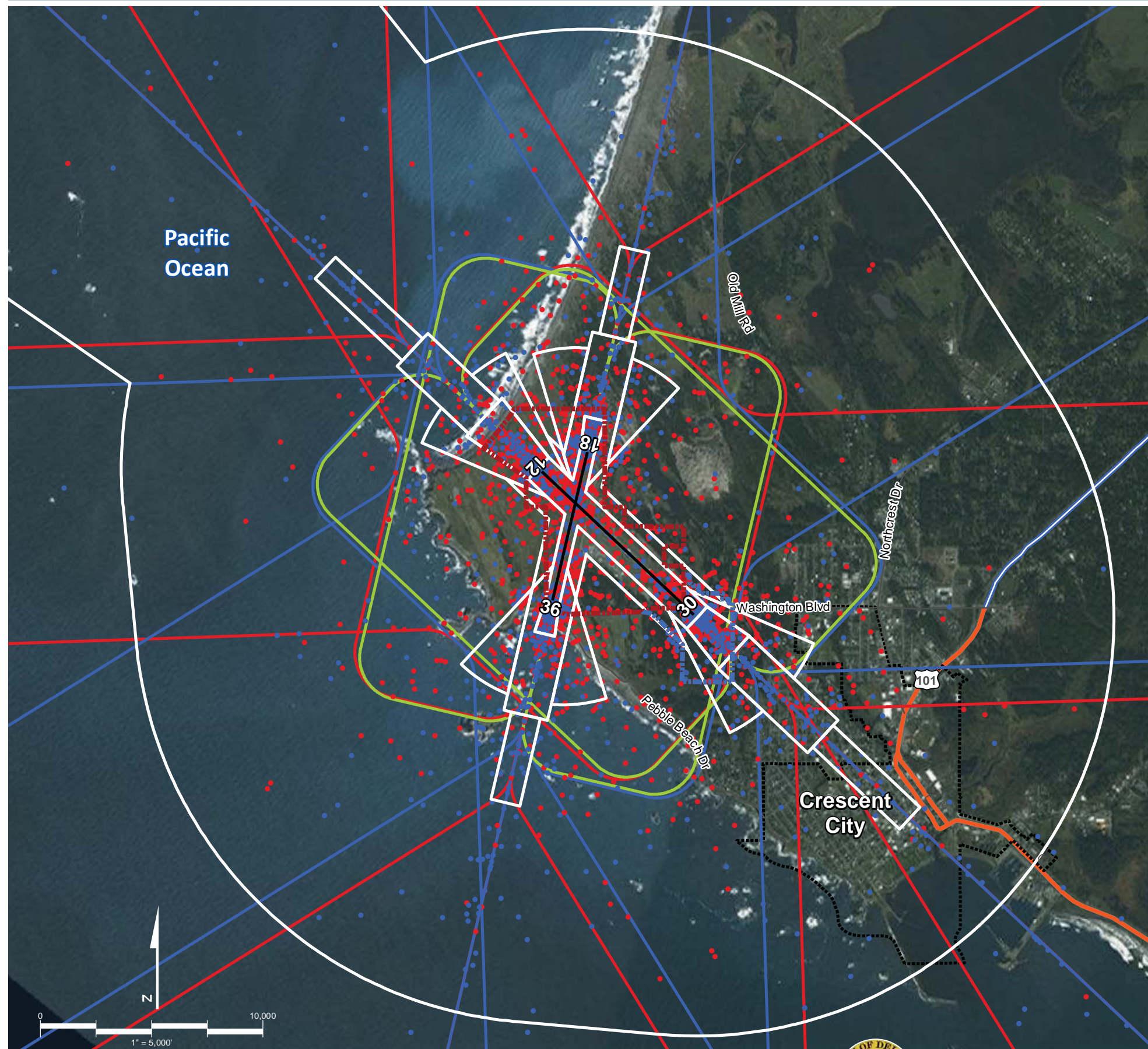
These examples are intended to provide general guidance for establishment of airport safety compatibility zones. They do not represent California Department of Transportation standards of policy.

LEGEND

- | | | |
|----------------------------------------|----------------------------------------|-------------------------------|
| ① Runway Protection Zone | ③ Inner Turning Zone | ⑤ Sideline Zone |
| ② Inner Approach/Departure Zone | ④ Outer Approach/Departure Zone | ⑥ Traffic Pattern Zone |

Source: California Airport Land Use Planning Handbook, 2011.

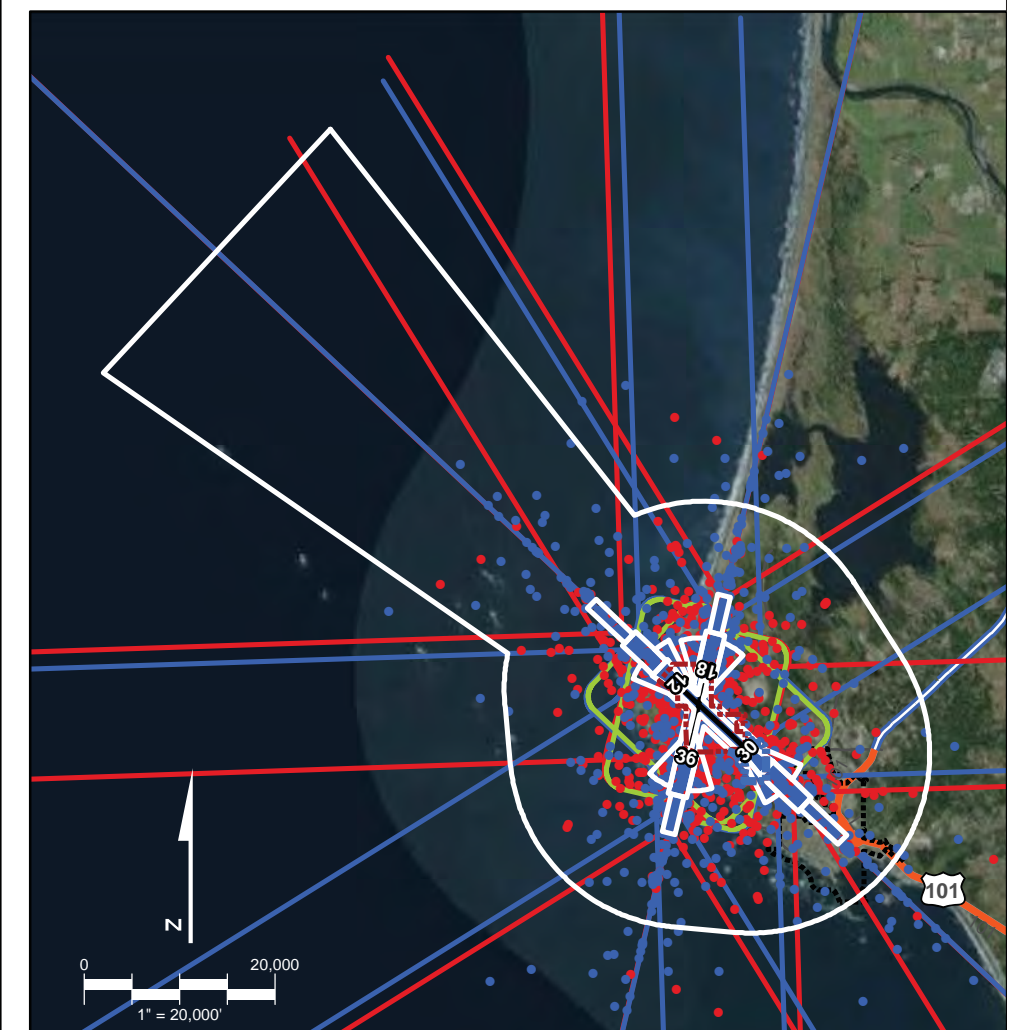




Legend

- Normalized Departure Accidents
- Normalized Arrival Accidents
- Touch and Go Flight Tracks
- Departure Flight Tracks
- Arrival Flight Tracks
- Streets
- Airport Property Line
- Future Airport Property
- Runway Centerline
- City Limits
- Highways**
- Limited Access
- Highway

Accident data from the California Airport Land Use Compatibility Planning Handbook, 2011. Normalized from accidents across the United States.



impinged-upon community - something that local governing bodies have consistently opposed as evidenced by the *No Net Loss Policy* adopted by the Del Norte County Board of Supervisors in Resolution No. 2007-053.

Finally, the development pattern and parcelization of the area in question (within Safety Zones 2 and 4 associated with Runway 30) is already developed well in excess of the density stated in the Handbook as appropriate (see Exhibit 2B). This applies to portions of 25 parcels totaling 11.4 acres in Zone 2A; portions of 13 parcels totaling 1.6 acres in Zone 4A; and portions of 8 parcels totaling 1.3 acres in Zone 4B.

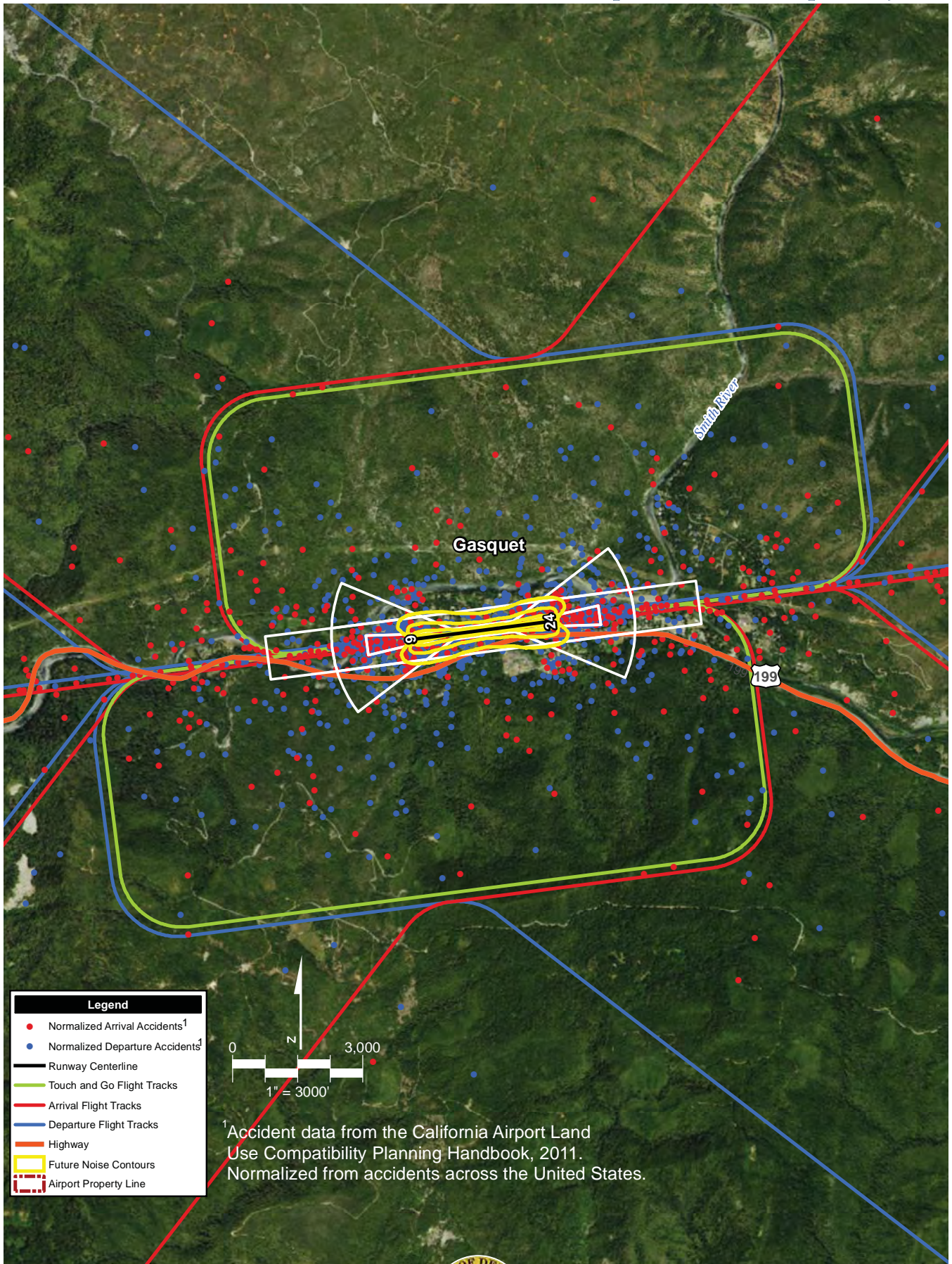
Due to the limited availability of privately owned land within Del Norte County and the existing level of development in these privately owned areas, additional sub-zones (Zones 2A, 4A, and 4B) have been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 2A are the same as Zone 2 and the dimensions of 4A and 4B are the same as Zone 4; however, these areas have a specific infill policy (4.1.5.3[e]) to permit development in these zones similar to the existing development. Within these zones, separate safety compatibility criteria that allow no greater residential density are listed in this ALUCP (see Table 4A). These residential densities are based on the 2003 Del Norte County General Plan and 2001 Crescent City General Plan. Future updates to the Del Norte County General Plan or Crescent City General Plan attempting to increase densities or intensities in these areas would not be consistent with this ALUCP.

Ward Field

Ward Field has one runway (6/24) that measures 2,990 feet in length. It is classified as a Low-Activity General Aviation Runway given that it has less than 2,000 takeoffs and landings per runway end annually and is less than 4,000 feet long. Runway 6/24 has a standard left traffic pattern with five safety zones, based on the Low Activity General Aviation Runway Example shown on **Exhibit A1**. **Exhibit A3** shows the compatibility zones of Ward Field with its local environs.

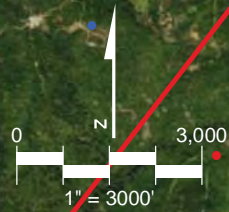
Andy McBeth Airport

Runway 11/20 at Andy McBeth Airport measures 2,400 feet in length, classifying the Airport as a Low-Activity General Aviation. Runway 11 has right traffic due to terrain and the Runway end 20 is standard left traffic. There are five safety zones for Andy McBeth Airport, as depicted on **Exhibit A4**, based on the Low Activity General Aviation Runway Example shown on **Exhibit A1**.



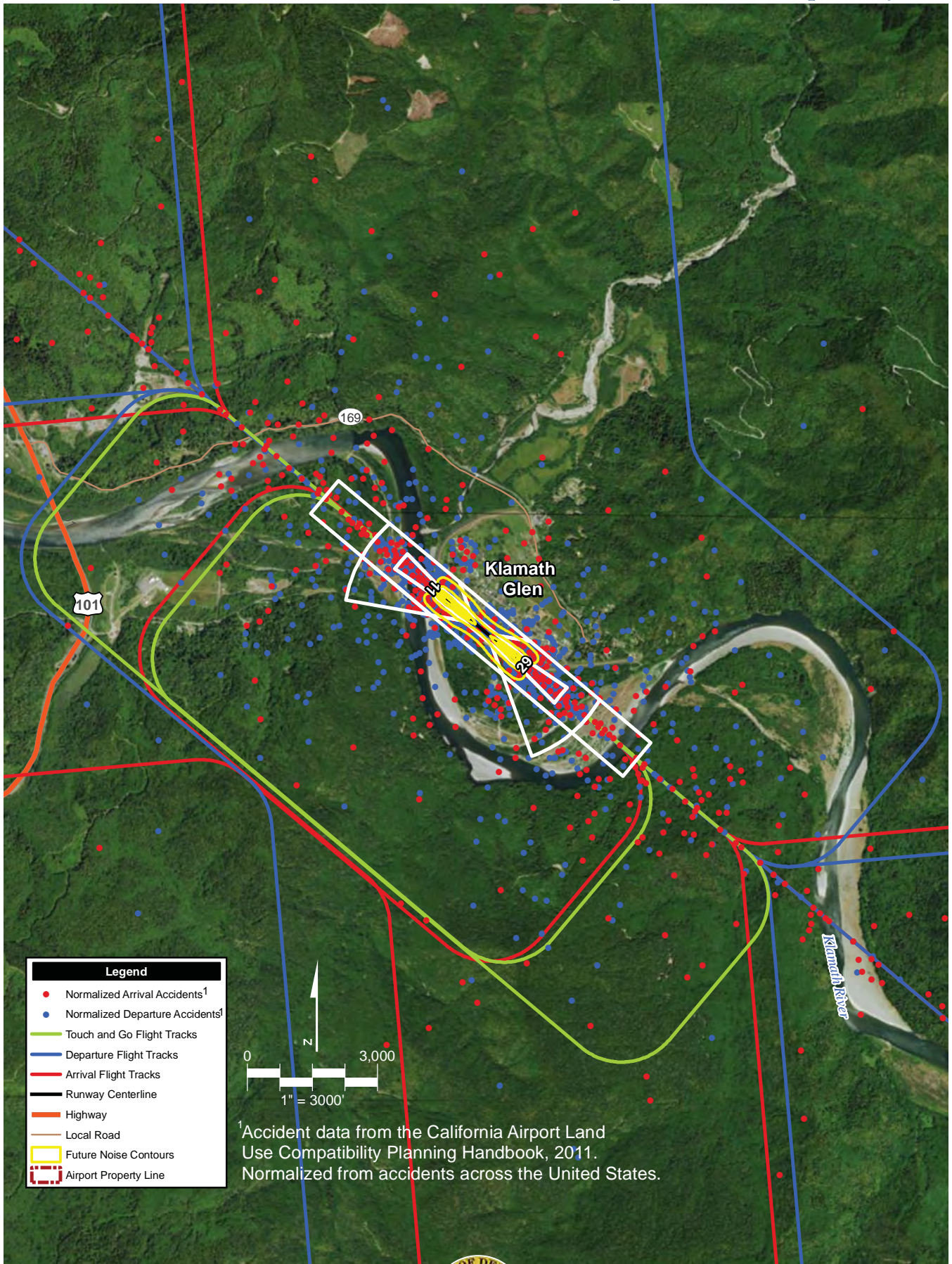
Legend

- Normalized Arrival Accidents¹
- Normalized Departure Accidents¹
- Runway Centerline
- Touch and Go Flight Tracks
- Arrival Flight Tracks
- Departure Flight Tracks
- Highway
- Future Noise Contours
- Airport Property Line



¹ Accident data from the California Airport Land Use Compatibility Planning Handbook, 2011. Normalized from accidents across the United States.







Appendix B

NOISE MODELING ASSUMPTIONS

Appendix B

NOISE MODELING ASSUMPTIONS

NOISE MODELING ASSUMPTIONS

The standard methodology for analyzing noise conditions at airports involves the use of a computer simulation model. The Airport Environmental Design Tool Version 2b (AEDT) is accepted by the State of California and required by the Federal Aviation Administration (FAA) for developing noise exposure contours. This is the model used to develop the noise exposure contours for this ALUCP.

For the purposes of this study, cumulative noise exposure contours using the Community Noise Equivalent Level (CNEL) noise metric is required. CNEL accounts for the increased sensitivity during the evening hours (7:00 p.m. to 10:00 p.m.) and nighttime hours (10:00 p.m. to 7:00 a.m.). A 10-decibel weighting is applied to noise events occurring at night, and a 4.8-decibel weighting is applied to those occurring during the evening hours. CNEL is a summation metric which allows for objective analysis and can describe noise exposure comprehensively over a large area. In addition to being widely accepted, the primary benefit of using the CNEL metric is that it accounts for the average community response to noise as determined by the actual number and types of noise events and the time of day they occur.

The AEDT works by defining a network of grid points at ground level around the airport. It then selects the shortest distance from each grid point to each flight track and computes the noise exposure for each aircraft operation by aircraft type and engine thrust level along each flight track. Corrections are applied for air-to-ground acoustical attenuation, acoustical shielding of the aircraft engines by the aircraft itself, and aircraft speed variations. The noise exposure levels for each aircraft are summed at each grid location. The CNEL at all grid points is used to develop noise exposure contours for selected values (e.g., 55, 60, 65, 70, and 75 CNEL). Noise contours are then plotted on a base map of the airport environs using the CNEL metric.

In addition to the mathematical procedures defined in the model, the AEDT has another very important element. This is a database containing tables correlating noise, thrust settings, and flight profiles for most of the civilian aircraft and many common military aircraft operating in the United States. This database, often referred to as the noise curve data, has been developed under FAA guidance based on rigorous noise monitoring in controlled settings. The AEDT database was developed through more than a decade of research, including extensive field measurements of more than 10,000 aircraft operations. The database also includes performance data for each aircraft to allow for the computation of airport-specific flight profiles (rates of climb and descent).

AEDT INPUT

A variety of user-supplied input data is required to use the AEDT. This includes the airport elevation, average annual temperature, a geographic definition of the airport runway, the location of paths which aircraft fly, and the assignment of specific take-off weights to individual flight tracks.

AIRCRAFT FLEET MIX AND OPERATIONS

The selection of individual aircraft types is important to the modeling process because different aircraft types generate different noise levels. The aircraft fleet mix was derived from previously conducted studies for Jack McNamara Field and interviews with the airport manager for Ward Field and Andy McBeth Airport. **Tables B1** (Jack McNamara Field), **B2** (Ward Field), and **B3** (Andy McBeth Airport) summarize the generalized fleet mix data input into the noise analysis.

As outlined in Public Utilities Code Section 21675(a), the noise contours included in an ALUCP must reflect the anticipated growth of the airport during at least the next 20 years. Accordingly, noise exposure contours have been prepared for each airport within this study based on the forecast 20-year conditions. The purpose of the contours is to depict average annual noise exposure conditions at each airport.

Database Selection

In order to select the proper aircraft from the AEDT database, a review of the current fleet mix for each of the airports was conducted. Different aircraft types generate different noise levels; therefore, selection of individual aircraft plays an important role in the noise modeling process. The following paragraphs outline the database selections used for input into the AEDT.

Tables B1, B2, and B3 list the annual operations by aircraft type for each airport. The included aircraft were selected to provide a realistic representation of airport operations. Flight plans, airfield observations, and based aircraft lists were used to determine the types of aircraft which frequently use the airport. To accurately represent the noise conditions at the airport, the AEDT provides aircraft noise data for many of the aircraft operating in the national fleet.

Designators for the following business aircraft are available within the AEDT: Cessna Citation III business jet (CIT3), and the Cessna 441 turboprop aircraft (CNA441). Each of these was modeled with the corresponding identifier. The CNA441 AEDT designator is also the FAA-approved substitute for the Beech King Air 200.

A variety of general aviation single engine fixed-propeller aircraft are modeled with the GASEPF aircraft. Included among these are the Cessna 150, Piper Archer, and Piper Tomahawk. The Beech Baron (BEC58P) represents light twin-engine aircraft, such as Beech 50, Beech 55, Piper PA-23, PA-30, PA-34, Cessna 304, Cessna 310, and Cessna 401, among others. Small military turboprop aircraft, such as the C-12, military helicopters, and C130 aircraft are also included in the analysis. These are represented by the DHC6, which is the civilian equivalent turboprop, the SA365N, and C-130E designators, respectively.

TABLE B1
Jack McNamara Field Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016¹	2036²
Itinerant			
Single Engine, Fixed	GASEPF	250	460
Single Engine, Variable	GASEPV	488	893
Twin Engine	BEC58P	168	307
Turboprop	CNA441	405	742
Business Jet	CIT3	84	153
Commercial Turboprop	SF340	1,456	1,456
Military Turboprop, Large	C-130E	14	26
Military Turboprop, Small	DHC6	110	26
Military Helicopter	SA365N	14	203
Subtotal		2,989	4,266
Local			
Single Engine, Fixed	GASEPF	1,420	2,299
Single Engine, Variable	GASEPV	2,760	4,469
Twin Engine	BEC58P	946	1,532
Subtotal		5,126	8,299
Grand Total		8,115	12,565

Source:

¹ Fleet mix based on assumptions included in the Jack McNamara Field Terminal Replacement EA/EIR, 2009. Updated to reflect introduction of commercial service.

² FAA Terminal Area Forecast, issued January 2016

Coffman Associates analysis

Notes:

SA365N is AEDT civilian designation for USCG HH-65

DHC6 is AEDT substitution for C-12

TABLE B2
Ward Field Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016 ¹	2036 ²
Itinerant			
Single Engine, Fixed	GASEPF	750	1,462
Single Engine, Variable	GASEPV	750	1,462
Subtotal		1,500	2,924
Local			
Single Engine, Fixed	GASEPF	250	487
Single Engine, Variable	GASEPV	250	487
Subtotal		500	974
Grand Total		2,000	3,898

Source: ¹ FAA 5010 Airport Master Record, operations for 12 months ending 12/31/2014

²Model for Estimating General Aviation Operations at Non-Towered Airports (GRA, Inc. 2001)
Coffman Associates analysis

TABLE B3
Andy McBeth Aircraft Fleet Mix and Operations

Operations	AEDT Designator	2016 ¹	2036 ²
Itinerant			
Single Engine, Fixed	GASEPF	450	685
Single Engine, Variable	GASEPV	450	685
Subtotal		900	1,370
Local			
Single Engine, Fixed	GASEPF	150	228
Single Engine, Variable	GASEPV	150	228
Subtotal		300	
Grand Total		1,200	1,826

Source:

¹ FAA 5010 Airport Master Record, operations for 12 months ending 12/31/2014

²Model for Estimating General Aviation Operations at Non-Towered Airports (GRA, Inc. 2001)
Coffman Associates analysis

Time-of-Day

The time-of-day which aircraft operations occur is important as input to the AEDT due to the 10-decibel nighttime (10:00 p.m. to 7:00 a.m.) and 4.8-decibel evening (7:00 p.m. to 10:00 p.m.) weighting of flights. In calculating airport noise exposure, one operation at night has the same noise emission value as 10 operations during the day by the same aircraft.

Since the airports are not equipped with an airport traffic control tower (ATCT), time-of-day information was estimated based upon airport staff interviews and time-of-day activity levels at similar airports. Currently, the majority of operations occur during the daytime hours, with an estimated approximate 1.0 percent occurring during evening hours, and approximately 3.0 percent occurring during nighttime hours. The noise model for the 20-year condition assumed the percentage of nighttime operations

would remain static at the current level. Additionally, Ward Field and Andy McBeth Airport do not have runway lighting to facilitate operations during late night or early morning operations.

Runway Use

Runway usage data is also an essential component for developing noise exposure contours. Based on interviews with the airport manager for Jack McNamara Field, the following assumptions were made for runway use:

- Runway 12 – 40%
- Runway 30 – 15%
- Runway 18 – 25%
- Runway 36 – 20%

For Ward Field and Andy McBeth Airports, the runway use was assumed to be 50% for each runway end.

Flight Tracks

A review of local flight procedures was used to develop consolidated flight tracks for use in the AEDT. As discussed in Chapter Three, all runways at Jack McNamara Field and Ward Field have standard left-hand traffic patterns. Accordingly, it is assumed that touch-and-go traffic occurs to both sides of the airport. At Andy McBeth Airport, terrain prevents the safe operation of training activity on both sides of the runway; accordingly, training pattern operations only occur to the south of the airport. **Exhibit B1** (Jack McNamara Field), **B2** (Ward Field), and **B3** (Andy McBeth Airport) illustrate the arrival, departure, and local pattern flight tracks assumed for this analysis.

Flight Profiles

The standard arrival profile used in the AEDT program is a three-degree approach. No indication was given by airport staff that there was any variation on this standard procedure for civilian aircraft. Therefore, the standard approach was included in the model as representative of local operating conditions.

Land Use Compatibility Thresholds

Both the FAA and the State of California provide guidance for acceptable noise levels for a variety of land uses. Additionally, the State of California has adopted regulations to address noise-sensitive land uses within the vicinity of airports. These sources and guidance within the *2011 California Airport Land Use Planning Handbook* (Handbook) were considered when developing noise criteria for this Airport Land Use Compatibility Plan. The guidance discussed below is the minimum standard for noise compatibility thresholds. Local entities, such as cities and counties, may adopt more restrictive noise standards.

FAA Guidance

FAA land use compatibility guidance is provided in Title 14, Code of Federal Regulations, Part 150 – Airport Noise Compatibility Planning. The FAA guidelines summarized in **Exhibit B4** indicate that all land uses are acceptable in areas below 65 CNEL. At the 65 CNEL threshold, residential land uses without acoustic treatment and transient lodging, such as hotels without acoustic treatment and mobile homes, are all incompatible in areas of noise exposure above 65 CNEL. The exhibit notes that homes of standard construction and hotels may be considered compatible where local communities have determined these uses are permissible; however, acoustic treatment of these structures is recommended to meet noise level reduction thresholds when comparing the outdoor noise level to the indoor noise level. Schools and other public-use facilities are also generally considered to be incompatible with noise exposure above 65 CNEL. As with residential development, communities can make a policy decision that these uses are acceptable with appropriate sound attenuation measures. Hospitals and nursing homes, places of worship, auditoriums, and concert halls are structures generally considered compatible if measures to achieve noise level reduction are incorporated into the design and construction of structures. Outdoor music shells and amphitheaters are not compatible and should be prohibited within the 65 CNEL noise contour. Additionally, agricultural uses and livestock farming are generally considered compatible with the exception of related residential components of these uses, which should incorporate sound attenuation measures.

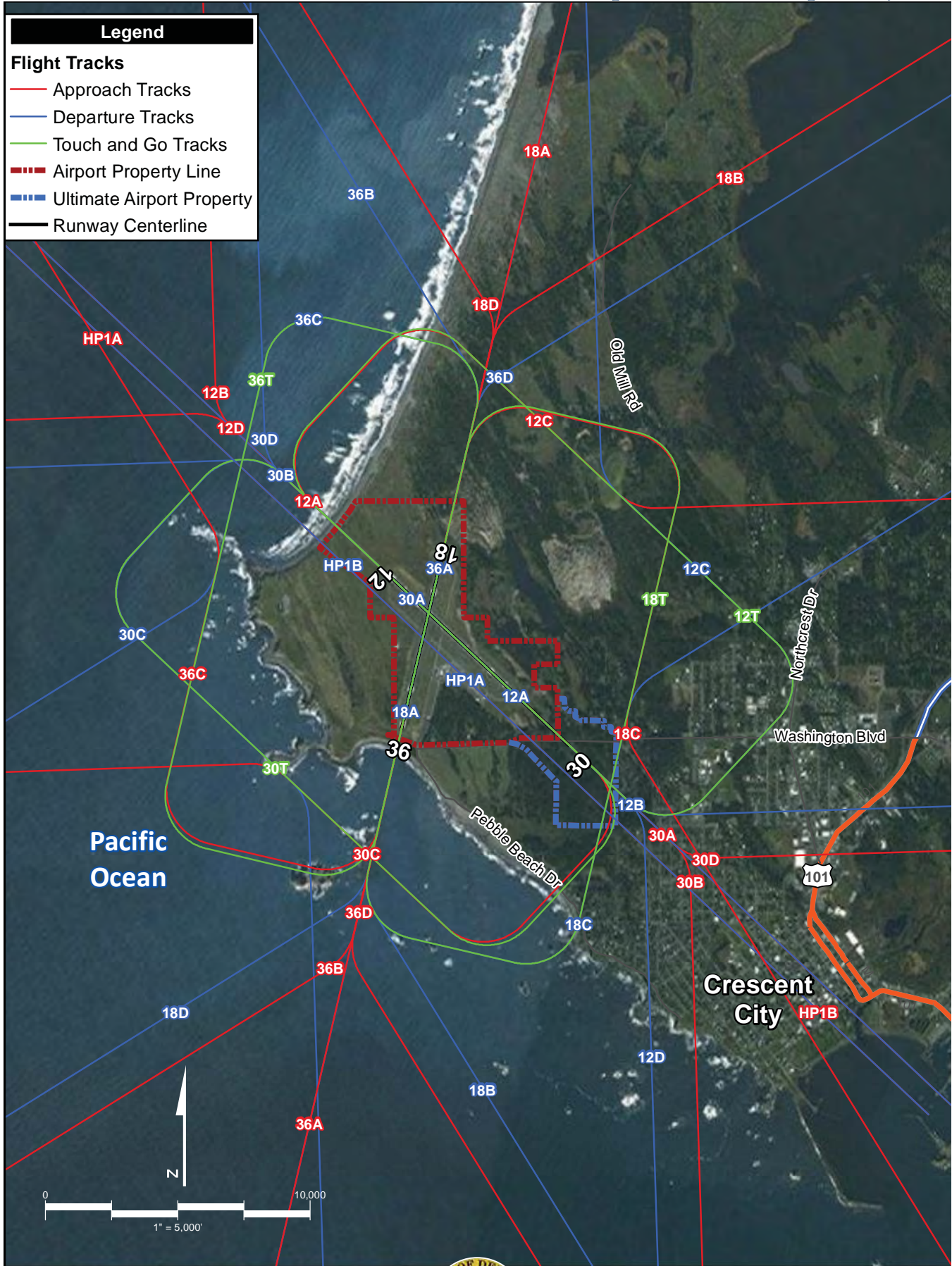
Within the 70–75 CNEL noise contour range, residences, transient lodging, and schools have the same sound attenuation recommendations as within the 65–70 CNEL range. Additionally, as the noise levels increase, the following land uses identified in the table are recommended to have sound attenuation: governmental services, transportation, parking, offices, wholesale and retail, utilities, communication, manufacturing, photographic and optical, golf courses, riding stables, and water recreation. In addition to those identified within the 65–70 CNEL contour range, the FAA discourages the following land uses within the 70–75 CNEL contour range: nature exhibits and zoos. Beyond the 75 CNEL contour, the land use recommendations are increasingly more stringent as the noise levels increase.

California Guidance

The State of California 2003 General Plan Guidelines also provide guidance regarding airport land use compatibility. As shown in **Exhibit B5**, the chart provides recommendations similar to the Part 150 guidance.

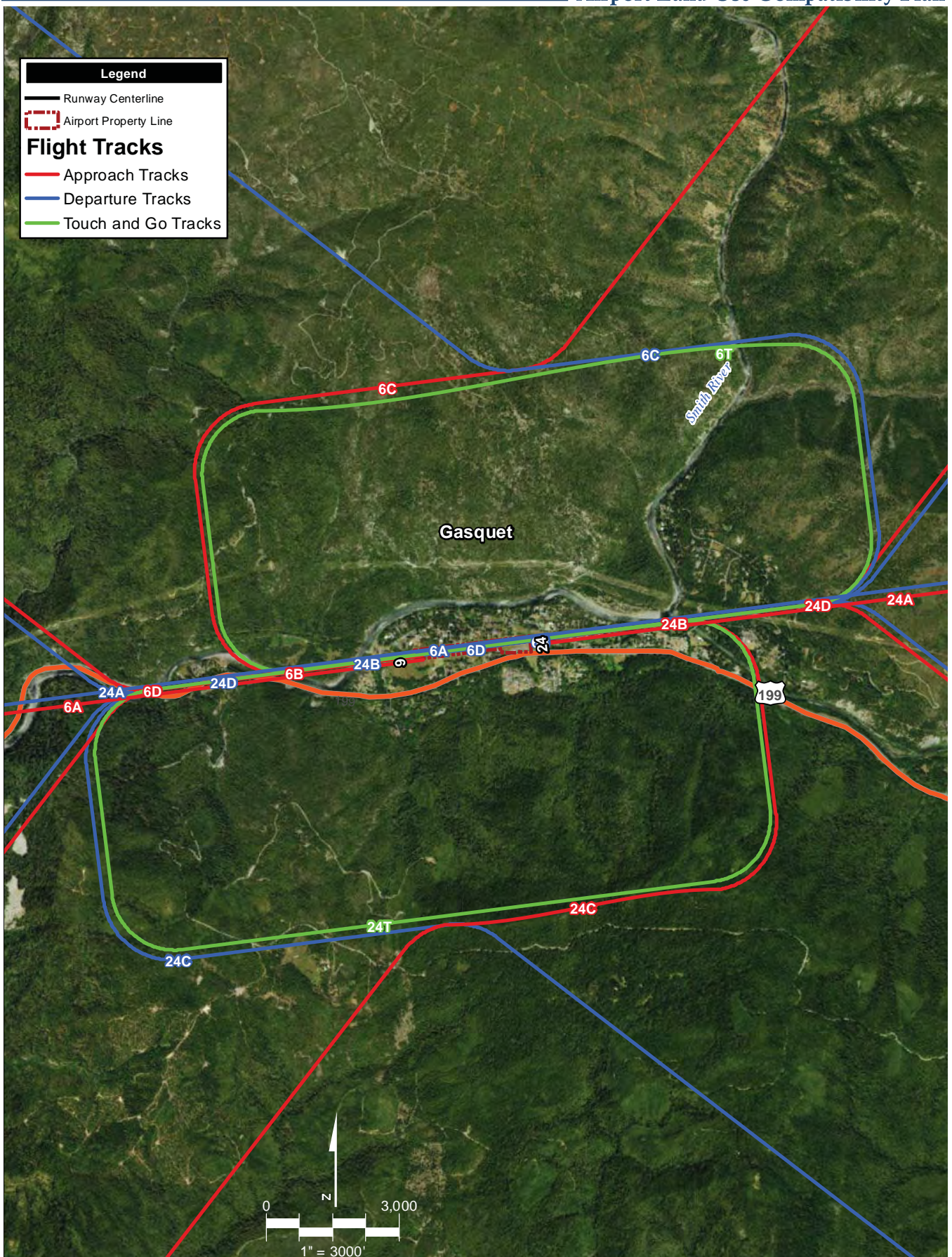
The 2011 California Airport Land Use Planning Handbook states that, “65 dB CNEL is not an appropriate criterion for new noise-sensitive development around most airports. At a minimum, communities should assess the suitability and feasibility of setting a lower standard for new residential and other noise-sensitive development.” Additionally, it provides the guidance outlined in **Table B4**.

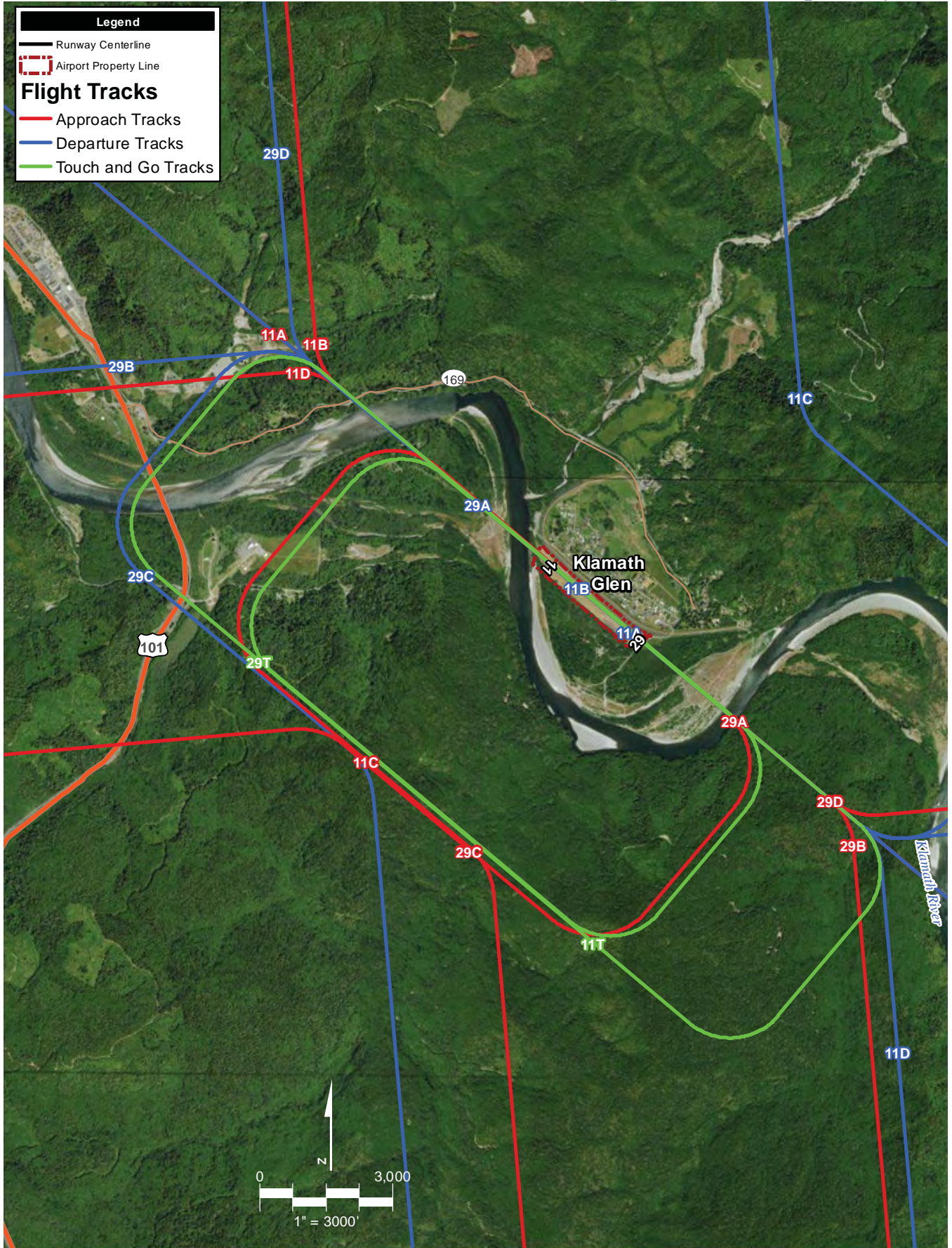
Airport Land Use Compatibility Plan
















Legend

- Runway Centerline
- Airport Property Line
- Flight Tracks**
 - Approach Tracks
 - Departure Tracks
 - Touch and Go Tracks





Airport Land Use Compatibility Plan

LAND USE		Yearly Day-Night Average Sound Level (DNL) in Decibals					
		Below 65	65-70	70-75	75-80	80-85	Over 85
Residential							
	Residential, other than mobile homes and transient lodgings	Y	N ¹	N ¹	N	N	N
	Mobile home parks	Y	N	N	N	N	N
	Transient lodgings	Y	N ¹	N ¹	N ¹	N	N
Public Use							
	Schools	Y	N ¹	N ¹	N	N	N
	Hospitals and nursing homes	Y	25	30	N	N	N
	Churches, auditoriums, and concert halls	Y	25	30	N	N	N
	Government services	Y	Y	25	30	N	N
	Transportation	Y	Y	Y ²	Y ³	Y ⁴	Y ⁴
	Parking	Y	Y	Y ²	Y ³	Y ⁴	N
Commercial Use							
	Offices, business and professional	Y	Y	25	30	N	N
	Wholesale and retail-building materials, hardware and farm equipment	Y	Y	Y ²	Y ³	Y ⁴	N
	Retail trade-general	Y	Y	25	30	N	N
	Utilities	Y	Y	Y ²	Y ³	Y ⁴	N
	Communication	Y	Y	25	30	N	N
Manufacturing and Production							
	Manufacturing, general	Y	Y	Y ²	Y ³	Y ⁴	N
	Photographic and optical	Y	Y	25	30	N	N
	Agriculture (except livestock) and forestry	Y	Y ⁶	Y ⁷	Y ⁸	Y ⁸	Y ⁸
	Livestock farming and breeding	Y	Y ⁶	Y ⁷	N	N	N
	Mining and fishing, resource production and extraction	Y	Y	Y	Y	Y	Y
Recreational							
	Outdoor sports arenas and spectator sports	Y	Y ⁵	Y ⁵	N	N	N
	Outdoor music shells, amphitheaters	Y	N	N	N	N	N
	Nature exhibits and zoos	Y	Y	N	N	N	N
	Amusements, parks, resorts, and camps	Y	Y	Y	N	N	N
	Golf courses, riding stables, and water recreation	Y	Y	25	30	N	N

The designations contained in this table do not constitute a federal determination that any use of land covered by the program is acceptable under federal, state, or local law. The responsibility for determining the acceptable and permissible land uses and the relationship between specific properties and specific noise contours rests with the local authorities. FAA determinations under Part 150 are not intended to substitute federally-determined land uses for those determined to be appropriate by local authorities in response to locally-determined needs and values in achieving noise compatible land uses.

See other side for notes and key to table.



KEY

Y (Yes)	Land Use and related structures compatible without restrictions.
N (No)	Land Use and related structures are not compatible and should be prohibited.
NLR	Noise Level Reduction (outdoor-to-indoor) to be achieved through incorporation of noise attenuation into the design and construction of the structure.
25, 30, 35	Land Use and related structures generally compatible; measures to achieve NLR of 25, 30, or 35 dB must be incorporated into design and construction of structure.

NOTES

1. Where the community determines that residential or school uses must be allowed, measures to achieve outdoor-to-indoor Noise Level Reduction (NLR) of at least 25 dB and 30 dB, respectively, should be incorporated into building codes and be considered in individual approvals. Normal residential construction can be expected to provide an NLR of 20 dB; thus, the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation and closed windows year round. However, the use of NLR criteria will not eliminate outdoor noise problems.
2. Measures to achieve NLR of 25 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
3. Measures to achieve NLR of 30 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
4. Measures to achieve NLR of 35 dB must be incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise-sensitive areas, or where the normal noise level is low.
5. Land use compatible provided special sound reinforcement systems are installed.
6. Residential buildings require an NLR of 25.
7. Residential buildings require an NLR of 30.
8. Residential buildings not permitted.

Source: **14 CFR Part 150**, Appendix A, Table 1.



Airport Land Use Compatibility Plan

LAND USE CATEGORY	COMMUNITY NOISE EXPOSURE - L _{dn} or CNEL, dB							
	55	60	65	70	75	80		
Residential - Low Density Single Family, Duplex, Mobile Homes	Normally Acceptable (55-60)		Conditionally Acceptable (60-70)			Normally Unacceptable (70-75)	Clearly Unacceptable (75-80)	
Residential - Multi Family	Normally Acceptable (55-65)			Conditionally Acceptable (60-70)		Normally Unacceptable (70-75)	Clearly Unacceptable (75-80)	
Transient Lodging - Motels, Hotels	Normally Acceptable (55-65)			Conditionally Acceptable (60-70)		Normally Unacceptable (70-80)		Clearly Unacceptable (80-85)
Schools, Libraries, Churches, Hospitals, Nursing Homes	Normally Acceptable (55-70)			Conditionally Acceptable (60-70)		Normally Unacceptable (70-80)		Clearly Unacceptable (80-85)
Auditoriums, Concert Halls, Amphitheaters	Conditionally Acceptable (60-70)			Clearly Unacceptable (65-80)			Clearly Unacceptable (80-85)	
Sports Arena, Outdoor Spectator Sports	Conditionally Acceptable (60-75)			Clearly Unacceptable (70-85)			Clearly Unacceptable (80-85)	
Playgrounds, Neighborhood Parks	Normally Acceptable (55-70)			Conditionally Acceptable (65-75)		Clearly Unacceptable (75-85)		
Golf Courses, riding Stables, Water Recreation, Cemeteries	Normally Acceptable (55-75)				Normally Unacceptable (70-80)		Clearly Unacceptable (80-85)	
Office Buildings, Business Commercial and Professional	Normally Acceptable (55-70)			Conditionally Acceptable (65-78)		Normally Unacceptable (75-85)		
Industrial, Manufacturing, Utilities, Agriculture	Normally Acceptable (55-75)				Conditionally Acceptable (70-80)		Normally Unacceptable (75-85)	

INTERPRETATION

Normally Acceptable
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation.

Conditionally Acceptable
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable
New construction or development should generally not be undertaken.



**TABLE B4
NOISE COMPATIBILITY CRITERIA ALTERNATIVES (NEW RESIDENTIAL LAND USES)**

CNEL	Criteria	Suggested Applicability
65	<p>Set by the FAA and other federal agencies as the level above which residential land uses may be incompatible if not acoustically treated.</p> <p>Established by California state regulations as the maximum normally acceptable noise level for residential and certain other land uses at county-designated noise-problem airports.</p>	<p>Generally not appropriate for most new development.</p> <p>May be acceptable in noisy urban locations and/or in hot climates where most buildings are air-conditioned.</p>
60	<p>The contour within which California Building Code (Section 1207.11) requires an acoustical analysis of proposed residential structures, other than detached single-family dwellings.</p> <p>Suggested by the California Governor's Office of Planning and Research General Plan Guidelines as the maximum "normally acceptable" noise exposure for residential areas.</p> <p>[Note: Individual noise events will occasionally cause significant interference with residential land use activities, particularly outdoor activities, in quiet suburban/rural communities.]</p>	<p>Suitable for new development around most airports.</p> <p>Particularly appropriate in mild climates where windows are often open.</p>
55	<p>Identified by the EPA as the level below which "undue interference with activity and annoyance" will not occur.</p> <p>[Note: Individual noise events will seldom significantly interfere with residential land use activities (e.g., interference with speech).</p> <p>In urban areas, aircraft contribution to this noise level may be less than that of other noise sources.]</p>	<p>Suitable for airports in quiet, rural locations.</p>

Source: California Airport Land Use Planning Handbook, 2011, Table 4B.

California Regulations

The California Code of Regulations identifies 65 CNEL as the level of noise acceptable to a reasonable person residing in the vicinity of an airport. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep, and community reaction.¹

The regulations also identify the following land uses as incompatible within the 65 CNEL noise contour at “noise problem airports”: residences, public and private schools, hospitals and convalescent homes, and churches, synagogues, temples and other places of worship.²

Additionally, the California Building Code (California Code of Regulations, Title 24) establishes interior noise levels associated with exterior noise sources.³ The standards apply only to new hotels, motels, dormitories, apartment houses, and dwellings other than detached single family residences, and state:

“Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the Day/Night Average Sound Level (Ldn) or the Community Noise Equivalent Level (CNEL), consistent with the noise element of the local general plan. Worst-case noise levels, either existing or future, shall be used as the basis for determining compliance with [these standards]. Future noise levels shall be predicted for a period of at least 10 years from the time of a building permit application.”

The Code also states that new residential land uses within the 60 CNEL noise contour as identified on the community-adopted general plan require an acoustical analysis to determine if the interior-to-exterior sound reduction is achieved.

Del Norte County ALUCP Thresholds

Based on guidance included in the Handbook and a review of the existing development patterns surrounding the three airports, noise compatibility criteria for suburban areas and rural areas have been established. The criteria are similar to the FAA Part 150 and California guidance; however, the suburban criteria have a 5 dB CNEL and the rural criteria have 10 5 dB CNEL reduction in the thresholds to reflect lower ambient noise levels in these areas when compared to urban areas consistent with Handbook Table 4A. For implementation purposes, areas assumed to be suburban and rural are designated on the corresponding noise exposure contour exhibits.

¹ California Code of Regulations, Title 21, Division 2.5, Chapter 6, Section 5006.

² Noise problem airports must be so designated by the County Board of Supervisors, which has not been done for any of the airports within Del Norte County.

³ California Building Code, 2007 edition, Part 2, Volume 1, Chapter 12, Section 1207.11



Appendix C

IMPLEMENTATION MATERIALS

Appendix C

IMPLEMENTATION MATERIALS

This appendix includes the following materials to aid implementation of the *Airport Land Use Compatibility Plan*:

- Application for Major Land Use Action Review
- Sample aviation easement
- Sample Deed Notice
- Guidance for Calculating Land Use Intensity
- General Plan Consistency Checklist

Additional information regarding this topic can be found on the Caltrans Division of Aeronautics website:
<http://www.dot.ca.gov/aeronaut/index.html>

**APPLICATION FOR MAJOR LAND USE ACTION REVIEW
DEL NORTE COUNTY AIRPORT LAND USE COMMISSION**

ALUC Identification No. _____

PROJECT PROPONENT (To be completed by applicant)

Date of Application _____
Property Owner _____ Phone Number _____
Mailing Address _____

Agent (if any) _____
Mailing Address _____

PROJECT LOCATION (To be completed by applicant)

Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways.

Street Address _____

Assessor's Parcel No. _____ Parcel Size _____
Subdivision Name _____
Lot Number _____ Zoning Classification _____

PROJECT DESCRIPTION (To be completed by applicant)

If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces and water bodies, and the heights of structures and trees: include additional project description data as needed.

Existing Land Use _____
(describe) _____

Proposed Land Use _____
(describe) _____

For Residential Uses Number of Parcels or Units on Site (exclude secondary units) _____
For Other Land Uses Hours of Use _____
(See Appendix E Number of People on Site _____ Maximum Number _____
of ALUCP) Method of Calculation _____

Height Data Height above Ground or Tallest Object (including antennas and trees)
_____ ft.
Highest Elevation (above sea level) of Any Object or Terrain on Site
_____ ft.

Flight Hazards Does the project involve any characteristics which could create electrical
interference, confusing lights, glare, smoke, or other electrical or visual
hazards to aircraft flight? Yes _____ No _____
If yes, describe _____

REFERRING AGENCY (To be completed by Agency Staff)	
Date Received _____	_____
Agency Name _____	_____
Staff Contact _____	_____
Phone Number _____	_____
Agency's Project No. _____	_____
Type of Project _____	_____
ALUC REVIEW (To be completed by ALUC Staff)	
Application _____	Date Received _____ By _____
Receipt Is Application Complete? _____ Yes _____ No	_____
If No, cite reasons _____	
Airport(s) Nearby _____	
Primary Criteria Review	
Compatibility Zone(s) _____	_____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____ AIA
Allowable (not prohibited) Use? _____	_____ Yes _____ No _____
Density/Intensity Acceptable? _____	_____ Yes _____ No _____
Height Acceptable? _____	_____ Yes _____ No _____
Easement/Deed Notice Provided? _____	_____ Yes _____ No _____
Special Conditions _____	Describe: _____
Supplemental Review Criteria	
Noise _____	_____
Safety _____	_____
Airspace Protection _____	_____
Overflight _____	_____
ACTIONS TAKEN (To be completed by ALUC Staff)	
ALUC Staff Recommendation _____	Approve _____ Date _____
_____	Disapprove _____
ALUC Action _____	Consistent _____ Date _____
_____	Consistent with Conditions (list conditions/attach additional pages if needed)
_____	Inconsistent (list reasons/attach additional pages if needed)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Sample Avigation Easement

This indenture made this ____ day of _____, 20____, between _____ hereinafter referred to as Grantor, and the [Insert County or City name], 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 official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert name and Date of Survey or Airport Layout Plan that determines the elevation] 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 hereinafter 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 or 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 or 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.

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _____ Airport 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 to allow, any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights-of-way herein granted.

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, in the [Insert County or City name], 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, 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, Grantor, 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 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 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

Sample Deed Notice

A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the **[Del Norte County Planning Commission]** *Airport Land Use Compatibility Plan*. Such notice should be recorded by the county of **[Insert County name]**. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

The **[Del Norte County Planning Commission]** *Airport Land Use Compatibility Plan* and **[Insert County/City name]** Ordinance (Ordinance No. _____) identify a **[Insert Airport name]** Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to **[Insert County name]** County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

Guidance for Calculating Land Use Intensity

Following is guidance on how to calculate the intensity of land uses (the number of people-per-acre). The most difficult part about determining the intensity of a land use is estimating the number of people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

- **Maximum Occupancy-** The California Building Code (CBC) can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as **Table C1** indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the number of people-per-acre. Surveys of actual occupancy levels conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50 percent of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should usually be adjusted (50%) 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.
- **Parking Ordinance-** The number of people present in a given area can be calculated based upon the number of parking spaces provided. Traffic studies can be used to develop an assumption regarding the number of people per vehicle. The number of people-per-acre can then be calculated by dividing the number of people on-site by the size of the parcel in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles. Depending upon the specific assumptions utilized, this methodology typically results in a number in the low end of the likely intensity for a given land use.
- **Survey of Similar Uses-** Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which, because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

TABLE C1
Maximum Floor Area Allowances Per Occupant

Function of Space	Floor Area In Sq. Ft. Per Occupant
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)	7 net
Standing space	5 net
Unconcentrated (tables and chairs)	15 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
Daycare	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 areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	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
For SI: 1 square foot = 0.0929 m ² .	

Example:

Proposed Development: Single-floor furniture store containing 20,000 sq. ft.

A. Calculation Based on Parking Space Requirements

Assume that local codes require 1 parking space per 1,500 square feet of use area for a furniture store. Next, assume 1.5 people per automobile for this type of use.

The usage intensity would be:

- 1) 20,000 sq. ft. bldg. / 1,500 sq. ft. (1.0 parking space per 1,500 sq. ft.) = 13 required parking spaces.
- 2) 13 parking spaces x 1.5 people per space = 20 people maximum on-site.
- 3) 20,000 sq. ft. bldg. footprint / 43,560 sq. ft. per acre = 0.46 acre bldg. footprint.
- 4) 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:

Building footprint < 1.0 acre; therefore, maximum people in 1 acre = bldg. occupancy = 20 people per single acre.

B. Calculation Based on California Building Code

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

- 1) 10,000 sq. ft. retail floor area / 30 sq. ft. per occupant = 333 people maximum occupancy in retail area
- 2) 10,000 sq. ft. warehouse floor area / 500 sq. ft. per occupant = 20 people maximum occupancy in warehouse area
- 3) Maximum occupancy under CBC assumptions = 333 + 20 = 353 people
- 4) Assuming typical peak occupancy is 50 percent of CBC numbers = 177 people maximum expected at any one time

The two methods produce very different results. The occupancy area estimate of 30 square feet per person is undoubtedly high for a furniture store even after the 50 percent adjustment. On the other hand, the 20 people-per-acre estimate using the parking requirement methodology appears low, but it is probably closer to being realistic.

GENERAL PLAN CONSISTENCY CHECKLIST

This checklist 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 Airport Land Use Commission reviews of these local plans and policies.

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

General Plan Item	Reference
<i>Land Use Map</i> —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.	
No new land uses of a type listed as specifically prohibited should be shown within affected areas.	
<i>Noise Element</i> —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).	

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. If a separate policy document is adopted, modification of the general plan to achieve consistency with the ALUCP may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

Policy Item	Reference
<p><i>Intensity Limitations on Nonresidential Uses</i>—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.</p>	
<p><i>Identification of Prohibited Uses</i>—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.</p>	
<p><i>Open Land Requirements</i>—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.</p>	
<p><i>Infill Development</i>—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.</p>	

Policy Item (Continued)	Reference
<p><i>Height Limitations and Other Hazards to Flight</i>—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.</p>	
<p><i>Buyer Awareness Measures</i>—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 aviation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local agency policies must contain similar requirements.</p>	
<p><i>Nonconforming Uses and Reconstruction</i>—Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the ALUCP, if any.</p>	

REVIEW PROCEDURES

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

Actions Always Required to be Submitted for Airport Land Use Commission 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 Airport Land Use Commission Review—In addition to the above actions, ALUCPs may identify certain major land use actions for which referral to the Airport Land Use Commission is dependent upon agreement between the local agency and Airport Land Use Commission. If the local agency fully complies with all of the items in this general plan consistency check list or has taken the necessary steps to overrule the Airport Land Use Commission, 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 Airport

Land Use Commission is mandatory. Local policies should indicate the local agency's intentions in this regard.

Process for Compatibility Reviews by Local Agencies—If a local agency chooses to submit only the mandatory actions for Airport Land Use Commission 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.

Table 5A – General Plan Consistency Checklist, *California Airport Land Use Planning Handbook* (2011).



Appendix D

SUPPORTING MATERIALS

Appendix D

SUPPORTING MATERIALS

This appendix includes the following supporting information related to airport land use compatibility planning:

- *California State Aeronautics Act* (PUC Sections 21670-21679.5) – which was most recently amended in August 2012.
- Code of Federal Regulations Title 14, Part 77 – Safe, Efficient Use, and Preservation of the Navigable Airspace
- Del Norte County Airport Land Use Commission Formation Document
- Del Norte County Airport Land Use Commission Resolution 2017-001: A Resolution Adopting Del Norte County’s 2017 Airport Land Use Compatibility Plan and Accompanying Negative Declaration
- Del Norte County Airport Land Use Commission Notice of Determination for the adoption of the 2017 Airport Land Use Compatibility Plan

Additional information regarding this topic can be found on the Caltrans Division of Aeronautics website: <http://www.dot.ca.gov/aeronaut/index.html>



California Public Utilities Code
Section 21001 et seq.
relating to the
State Aeronautics Act

Prepared by
California Department of Transportation
Division of Aeronautics
Sacramento, CA

August 2015



Gary Cathey
Division Chief

About this booklet

The law contained herein was copied from www.leginfo.ca.gov, a website maintained by the Legislative Counsel of California. We periodically update this booklet as changes are made to the State Aeronautics Act and at the Counsel's website. You can view the text of the State Aeronautics Act online by opening the www.leginfo.ca.gov homepage, selecting "California Law" and searching within the Public Utilities Code.

This booklet contains one new section since its last update in February 2013:

- Section 21602 Amended by Stats.2014, c. 27 (S.B.853), § 1, eff. June 20, 2014

California Department of Transportation
Division of Aeronautics
1120 N Street, MS 40
Sacramento, CA 95814
<http://www.dot.ca.gov/hq/planning/aeronaut/index.htm>

This page intentionally left blank

CALIFORNIA PUBLIC UTILITIES CODE

Section 21001 et seq. relating to the State Aeronautics Act

Chapter 1. General Provisions and Definitions

Section		Page
21001.	Title of Part	1
21002.	Purpose	1
21003.	Definitions; Effect	1
21004.	Public and Government Functions; Public Necessity	1
21005.	Effect of Part on Zoning Regulations	1
21006.	Effect of Chapter on Use of Helicopters	2
21006.5.	Department	2
21007.	Aeronautics Commission; Division; Department	2
21008.	Director	2
21008.3.	Division	2
21008.5.	Commission	2
21009.	Person	2
21010.	Political Subdivision	2
21011.	Aeronautics	2
21012.	Aircraft	2
21013.	Airport	2
21014.	Air Navigation Facility	3
21015.	Operation of Aircraft; Operate Aircraft	3
21016.	Airman	3
21017.	Airport Hazard	3
21018.	Airway	3
21019.	Violations; Punishment	3
21020.	Land	3

Chapter 2. Department of Transportation and State Aeronautics Board

Article 1. Department of Transportation

Section		Page
21204.	Rules and Regulations	3
21206.	Statement of Estimated Revenues; Budget	3
21207.	Noise Mitigation Projects	4

Article 1.5. State Aeronautics Board

Section		Page
21215.	State Aeronautics Board Abolished	4
21216.	Appeals	4

Article 2. Powers and Duties

Section		Page
21240.	Recognition of Federal Authority; Intrastate Rates	4
21241.	Encouragement of Aeronautics, Airports, and Air Navigation Facilities	4
21242.	Legislation; Representation of State	5
21243.	Rules, Regulations, Procedures, and Standards; Classification of Airports	5
21244.	Temporary Rules, Regulations, Procedures, and Standards	5
21245.	Rules; Copies for Public Inspection	5
21246.	Publication and Distribution of Orders, Rules, and Procedures	5
21247.	Contracts	5
21248.	Joint Exercise of Powers	5
21249.	Conferences and Joint Hearing with Federal Agencies	5
21250.	Cooperation with Federal Agencies	6
21251.	Administration	6
21252.	Enforcement	6
21253.	Enforcement of Part; Injunction and Other Legal Process	6
21254.	Reports of Violations to Federal and Other State Agencies	6
21255.	Reports from Federal and Other State Agencies	6
21256.	Receipt and Disbursement of Funds	6
21257.	Ownership and Operation of Aircraft	7
21258.	Department Responsibility	7

Chapter 3. Regulation of Aeronautics

Section		Page
21401.	Sovereignty	7
21402.	Ownership; Prohibited Use of Airspace	7
21403.	Lawful Flight; Flight Within Airport Approach Zone	7
21404.	Tort Liability; Injury or Death of Passengers	7
21404.1.	Limitation on Liability	7
21405.	Tort Liability; Collision Damage	8
21407.	Careless or Reckless Operation	8
21407.1.	Operation While Under the Influence	8
21407.2.	Consent to Chemical Testing	8
21407.6.	Punishment	9
21408.	Authority to Prohibit Violator from Operating Aircraft	9
21409.	Unlicensed Operation	10
21410.	Possession and Inspection of Certificate, License, Etc.	10
21411.	Unlicensed Aircraft	10
21412.	Posting Aircraft License; Inspection	10
21413.	Accidents; Reports; Preservation of Parts Pending Investigation	10
21415.	Intoxicated Persons In or About Aircraft	10
21416.	Locking Door Separating Pilot Compartment from Passenger Compartment	10
21417.	Meteorological Towers	10

Chapter 3.7. Wire Strike Education and Prevention

Section		Page
21504.	Legislative Intent	11
21505.	Pilot Awareness Program	11
21507.	Cost Recovery	12

Chapter 4. Airports and Air Navigation Facilities

Article 1. Assistance to Political Subdivisions

Section		Page
21601.	Engineering and Technical Services	12
21602.	Financing	12
21603.	Agent for Political Subdivisions; Contracts; Handling of Funds	13
21605.	Airport Closing Procedures	13

Article 2. State Airports and Air Navigation Facilities

Section		Page
21631.	Establishment; Planning; Construction	13
21632.	Acquisition of Existing Facilities	13
21633.	Acquisition of Real or Personal Property	14
21636.	Disposal of Property	14
21637.	Contracts and Leases for Operation	14
21638.	Lease of Airports	14
21639.	Exclusive Right for Use Prohibited	14
21640.	Lien for Charges; Enforcement	15
21646.	Flying or Releasing Balloon, Kite or Rocket Near Airport as Misdemeanor	15

Article 2.5. Non-Public Use Airports

Section		Page
21650.	Airport Defined	15
21650.1.	Airport Marks; Federal Aviation Administration Standards	15
21650.2.	Permit; Application and Receipt Under Article 3	15

Article 2.6. Hazard Elimination; Flight Disturbance

Section		Page
21652.	Eminent Domain	15
21653.	Removal of Hazards	15

Article 2.7. Regulation of Obstructions

Section		Page
21655.	Proposed Site for Construction of State Building Within Two Miles of Airport Boundary	16
21656.	Permit for Extension of Structure More Than 500 Feet Above Ground	16
21657.	Refusal to Issue Permit; Request for Hearing	16
21658.	Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area	16
21659.	Hazards Near Airports Prohibited	16
21660.	Refusal to Issue Permit; Request for Hearing	17

Article 3. Regulation of Airports

Section		Page
21661.	Exemptions	17
21661.5.	City Council or Board of Supervisors and ALUC Approvals	17
21661.6.	Submission of Plan for Expansion or Enlargement of Airport	17
21662.	Approval of Sites; Issuance of Permits; Charges	17
21662.1.	Emergency Service Helicopters	17
21662.4.	Emergency Flights for Medical Purposes	18
21662.5.	Helicopters in Proximity to Certain Schools Prohibited	18
21663.	Operation Without Permit	19
21664.	Approval of Sites; Application	19
21664.5.	Amended Airport Permits; Airport Expansion Defined	19
21666.	Issuance of Permits; Requirements; Conditions	19
21668.	Revocation of Permit; Grounds	20
21668.2.	Suspension of Operation	20
21669.	Adoption of Noise Standards	20
21669.1.	Existing Residential Conversion	20
21669.2.	Guidelines	20
21669.3.	Effective Date of Regulations	20
21669.4.	Violation of Standards; Enforcement; Penalties	21
21669.5.	Noise-sensitive Projects; Grant of Avigation Easement	21
21669.6.	Hearing Procedures	22

Article 3.5. Airport Land Use Commission

Section		Page
21670.	Creation; Membership; Selection	22
21670.1.	Action by Designated Body Instead of Commission	22
21670.2.	Los Angeles County	24
21670.3.	San Diego County	24
21670.4.	Intercounty Airports	24
21670.6.	Actions Subject to Mediation	24
21671.	Airport Owned by a City, District, or County	24

Section		Page
21671.5.	Term of Office	25
21672.	Rules and Regulations	25
21673.	Initiation of Proceedings for Creation by Owner of Airport	25
21674.	Powers and Duties	25
21674.5.	Training of Airport Land Use Commission's Staff	26
21674.7.	Airport Land Use Planning Handbook	26
21675.	Land Use Plan	26
21675.1.	Adoption of Land Use Plan	27
21675.2.	Approval or Disapproval of Actions, Regulations, or Permits	27
21676.	Review of Local General Plans	28
21676.5.	Review of Local Plans	29
21677.	Marin County Override Provisions	29
21678.	Airport Owner's Immunity	29
21679.	Court Review	29
21679.5.	Deferral of Court Review	30

Article 4. Aeronautics Fund

Section		Page
21680.	Continuation; Continuous Appropriation	30
21681.	Definitions	30
21682.	Payments from Fund	31
21682.5.	Payment of Aviation Share of Comprehensive Transportation Planning Costs	32
21683.	Use of Balance	32
21683.1.	Use of Funds for Local Match for Federal Airport Improvement Program Grants	32
21683.2.	Use of Balance in Aeronautics Account	32
21684.	Special Aviation Fund	33
21684.1.	Use of Balance of Fund to Purchase Emergency Search and Rescue Equipment	33
21684.5.	Allocation of Funds for Construction of Airports	33
21684.6.	Allocation of Funds to Counties	33
21685.	Special Aviation Fund; Payments to State College or University Branch	33
21686.	Audit of Books and Records of Public Agencies	33
21687.	Airports No Longer Open to the General Public; Payments to State	33
21688.	Limitation on Expenditure of Funds	34

Article 4.5. Airport Facilities and Concessions

Section		Page
21690.5.	Legislative Findings	34
21690.6.	Scope of Law	35
21690.7.	Promotion of Commerce and Tourism	35
21690.8.	Exclusive Agreements	35
21690.9.	Determination of Necessity	35
21690.10.	Compliance with Other States	35

**Article 5. Los Angeles International Airport
Relocation and Development**

Section	Page
21690.20. Legislative Findings	35
21690.21. Definitions	36
21690.22. Authority of Department	36
21690.23. Expenditure of Available Funds	36
21690.24. Petition for Payment of Additional Compensation	36
21690.25. Appointment of Board	36
21690.26. Tenure of Board; Quorum; Duties	36
21690.27. Payment of Awards	37
21690.28. Persons Eligible; Time for Filing Petition; Time for Payment	37
21690.29. Partial Invalidation	37

Chapter 5. Proceedings

Section	Page
21692. Investigation, Inquiries, and Hearings	37
21693. Reports of Investigations and Hearings	37
21694. Orders of Department; Contents; Service; Review	37

Chapter 6. Airport Planning

Section	Page
21701. California Aviation System Plan	37
21702. Elements in Plan	38
21703. Submittal to Commission	38
21704. Periodic Revision of Plan	38
21705. Adoption of Revisions by Commission	38
21706. Project Funding Applications	38
21707. Federal Grant Funds	38

**AERONAUTICS LAW
STATE AERONAUTICS ACT
PUBLIC UTILITIES CODE**

Chapter 1. General Provisions and Definitions

Title of Part

21001. This part may be cited as the "State Aeronautics Act."

Purpose

21002. The purpose of this part is to further and protect the public interest in aeronautics and aeronautical progress by the following means:

- (a) Encouraging the development of private flying and the general use of air transportation.
- (b) Fostering and promoting safety in aeronautics.
- (c) Effecting uniformity of the laws and regulations relating to aeronautics consistent with federal aeronautics laws and regulations.
- (d) Granting to a state agency powers, and imposing upon it duties, so that the state may properly perform its functions relative to aeronautics and effectively exercise its jurisdiction over persons and property, assist in the development of a statewide system of airports, encourage the flow of private capital into aviation facilities, and cooperate with and assist political subdivisions and others engaged in aeronautics in the development and encouragement of aeronautics.
- (e) Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.
- (f) Providing for cooperation with the federal authorities in the development of a national system of civil aviation and for coordination of the aeronautical activities of those authorities and the authorities of this state.
- (g) Assuring that persons residing in the vicinity of airports are protected to the greatest possible extent against intrusions by unreasonable levels of aircraft noise.
- (h) Fostering and promoting the development of a stable and efficient regional air carrier system to provide access for small and rural communities to the national air transportation system consistent with federal policies favoring deregulation.
- (i) Developing, in cooperation with the private sector, airport management, local jurisdictions, federal authorities, and the general public, informational programs to increase the understanding of current air transportation issues including, but not limited to, aviation safety, planning, airport noise, airport development and management, and the role of aviation in the economic development of the state, as an integral part of the state's transportation system.
- (j) Sponsoring or cosponsoring, with representatives of the aerospace and aviation industry, aviation educational and informational seminars which meet the needs of pilots and other members of the industry for current information on aviation safety, planning, and airport development and management.

Definitions; Effect

21003. Unless the context otherwise requires, the definitions and general provisions set forth in this chapter govern the construction of this part.

Public and Government Functions; Public Necessity

21004. The acquisition of any land or interest therein pursuant to this part, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any political subdivision, and the exercise of any other powers granted to the department by this part are public and governmental functions, exercised for a public purpose, and are matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the state pursuant to this part are acquired and used for public and governmental purposes as a matter of public necessity.

Effect of Part on Zoning Regulations

21005. This part shall not be construed as limiting any power of the state or a political subdivision to regulate airport hazards by zoning.

Effect of Chapter on Use of Helicopters

21006. This chapter or any other law shall not be construed as prohibiting, restricting, or permitting the prohibition of the operation or landing in populated areas of helicopters and similar aircraft capable of approximately vertical ascent and descent, subject to such reasonable rules affecting the public safety as the department may promulgate. The department shall adopt rules and regulations, effective January 1, 1989, for the conditions under which helicopters may make temporary use of a landing site.

Department

21006.5. "Department" means the Department of Transportation.

Aeronautics Commission; Division; Department

21007. Whenever the term "California Aeronautics Commission," "Division of Aeronautics," or "Department of Aeronautics" is used in any other law, it means the Department of Transportation.

Director

21008. "Director" means the Director of Transportation. Any reference in any law or regulation to the Director of Aeronautics shall be deemed to refer to the Director of Transportation.

Division

21008.3. "Division" means the Division of Aeronautics in the department.

Commission

21008.5. "Commission" means the California Transportation Commission.

Person

21009. "Person" means any individual, firm, partnership, corporation, limited liability company, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative.

Political Subdivision

21010. "Political subdivision" means any county, city, city and county, public corporation, district or other political entity or public corporation of this State.

Aeronautics

21011. "Aeronautics" means:

- (a) The science and art of flight, including transportation by aircraft.
- (b) The operation, construction, repair, or maintenance of aircraft and aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes.
- (c) The design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities.

Aircraft

21012. "Aircraft" means any manned contrivance used or designed for navigation of, or flight in, the air requiring certification and registration as prescribed by federal statute or regulation. Notwithstanding the foregoing provisions of this section, manned lighter-than-air balloons and ultralight vehicles as defined in the regulations of the Federal Aviation Administration (14 C.F.R. Part 103), whether or not certificated by the Federal Aviation Administration, shall not be considered to be aircraft for purposes of this part.

Airport

21013. "Airport" means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights of way, and all airport buildings and facilities located thereon.

Air Navigation Facility

21014. "Air navigation facility" means any facility, other than facilities owned or operated by the United States, used, or available or designed for use, in aid of air navigation, including any structures, mechanisms, lights, beacons, markers, communicating systems, or other facilities used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport.

Operation of Aircraft; Operate Aircraft

21015. "Operation of aircraft" or "operate aircraft" means the use, navigation, or piloting of aircraft in the air space over this State or upon any airport within this State.

Airman

21016. "Airman" means any individual who engages, as the person in command, or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way, and any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances, and any individual who serves in the capacity of aircraft dispatcher, or air traffic control-tower operator. "Airman" does not include any individual employed outside the United States, or any individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in connection therewith, or any individual performing inspection or mechanical duties in connection with aircraft owned or operated by him.

Airport Hazard

21017. "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to the landing or taking off.

Airway

21018. "Airway" means a route in the navigable air space over the land or waters of this State, designated by proper authority as a route suitable for air navigation.

Violations; Punishment

21019. Any person violating any of the provisions of this part, other than Section 21407.1, or any of the rules or orders issued under this part, is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment of not more than six months, or both.

Land

21020. "Land" includes tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries.

Chapter 2. Department of Transportation and State Aeronautics Board

Article 1. Department of Transportation

Rules and Regulations

21204. The department may adopt, administer, and enforce rules and regulations for the administration of this part.

Statement of Estimated Revenues; Budget

21206. The department shall prepare a statement of all estimated revenues of the Aeronautics Account in the State Transportation Fund and revenues available for local subventions from any other sources for the next succeeding fiscal year, together with a statement of proposed expenditures to be made to local agencies and the University of California during the next succeeding fiscal year, or obligations to be incurred in connection therewith.

The statement shall be included in the printed fiscal year budget submitted to the Legislature. Insofar as the matters to which it pertains, it shall constitute as submitted the budget submitted to the Department of Finance pursuant to Section 13320 of the Government Code, and, as to such matters, shall be administered by the Department of Finance as the fiscal year budget of the Department of Transportation under the provisions of this

section and of Article 2 (commencing with Section 13320) of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code.

Any changes or modifications in the budget described in this section shall be approved by the Director of Finance.

In the event, during an annual period, the budgetary amount approved and allocated for any purpose exceeds the amount actually necessary therefor, with a resultant available surplus, such surplus may be allocated to any other purpose or supplemental project upon the written approval of the Director of Finance.

In administering the budget, the Director of Finance shall not limit expenditures or incurrence of obligations thereunder to quarterly, semiannual, or other periods of the fiscal year.

Noise Mitigation Projects

21207. Whenever a political subdivision owning and operating an airport constructs or implements a noise mitigation project at the airport, including, but not limited to, the installation of noise monitoring equipment at any time after the project has been included within the aeronautics program in the state transportation improvement program and prior to funding of the project, the department shall, when funding for the project becomes available, reimburse the political subdivision for the eligible costs of the project, without interest, not to exceed the amount of the funds made available to the department or the political subdivision's actual eligible costs, whichever is lower. Reimbursement under this section shall be made only if the political subdivision completes the project to the standards approved by the department including, but not limited to, bidding and contracting procedures and the project is approved by the commission. This section does not apply to any project for which state funding is not specifically made available.

Article 1.5. State Aeronautics Board

State Aeronautics Board Abolished

21215. (a) The State Aeronautics Board is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the State Aeronautics Board.

(b) Any reference in any law or regulation to the State Aeronautics Board shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the State Aeronautics Board.

Appeals

21216. Any person or entity injured or aggrieved by any procedure or action of the department with respect to aeronautics may appeal to the California Transportation Commission for relief, and the decision of the commission as to such matter shall, after hearing thereon, be conclusive, subject to such review as may be otherwise provided by law. This section shall not apply to any procedure or action for which a hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code is specified in this part as the means for reviewing or finalizing the procedure or action.

Article 2: Powers and Duties

Recognition of Federal Authority; Intrastate Rates

21240. This state recognizes the authority of the federal government to regulate the operation of aircraft and to control the use of the airways, and nothing in this act shall be construed to give the department the power to so regulate and control safety factors in the operation of aircraft or to control use of the airways. This section does not affect the state's power to regulate the intrastate rates of common carriers by air, and such power is hereby reserved to the state.

Encouragement of Aeronautics, Airports, and Air Navigation Facilities

21241. The department shall encourage, foster, and assist in the development of aeronautics in this state and encourage the establishment of airports and air navigation facilities. It shall cooperate with and assist the federal government, political subdivisions of this state, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities.

Political subdivisions may cooperate with the department in the development of aeronautics and aeronautics facilities in this state.

Legislation; Representation of State

21242. The department may:

- (a) Draft and recommend necessary legislation to advance the interest of the state in aeronautics.
- (b) Represent the state in aeronautical matters before federal and other agencies.
- (c) Participate as plaintiff or defendant or as intervenor on behalf of the state or any political subdivision or citizen in any controversy which involves the interest of the state in aeronautics.
- (d) Assist political subdivisions and their law enforcement agencies in becoming acquainted with and enforcing the civil air regulations.

Rules, Regulations, Procedures, and Standards; Classification of Airports

21243. The department may make and amend general or special rules, regulations, and procedures and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules, regulations, and standards issued thereunder. The department may, by regulation, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable of handling and may make and amend rules, regulations, and procedures and establish minimum standards for each separate class or group.

Temporary Rules, Regulations, Procedures, and Standards

21244. For the purpose of protecting and insuring the general public interest and safety and the safety of persons operating, using, or traveling in aircraft and developing aeronautics in this state, and after appropriate public hearings, the department may make and amend temporary general or special rules and procedures and establish temporary minimum standards consistent with this part as it deems necessary to administer this part. The department shall draft these temporary rules, procedures, and standards in the form of proposed aviation law and shall submit them to the next general session of the Legislature. These temporary rules, procedures, and standards shall not remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

Rules; Copies for Public Inspection

21245. The department shall keep on file with the Secretary of State, and at its principal office, a copy of all its rules for public inspection.

Publication and Distribution of Orders, Rules, and Procedures

21246. The department shall provide for the publication and general distribution of all its orders, rules, and procedures having general effect.

Contracts

21247. The department may enter into any contracts necessary to the execution of its powers under this part. All contracts made by the department, either as the agent of the state or as the agent of any political subdivision, shall be made pursuant to the laws of the state governing the making of like contracts. Where the planning, acquisition, construction, improvement, maintenance, or operation of any airport or air navigation facility is financed wholly or partially with federal money the department, as agent of the state or of any political subdivision, may let contracts in the manner prescribed by the federal authorities acting under the laws of the United States and any rules made thereunder.

Joint Exercise of Powers

21248. The department may exercise any of its powers under this part jointly with any political subdivision, state agency, other states or their political subdivisions, or the United States.

Conferences and Joint Hearings with Federal Agencies

21249. The department may confer or hold joint hearings with any federal agency in connection with any matter arising under this part or relating to the sound development of aeronautics.

Cooperation with Federal Agencies

21250. The department may avail itself of the cooperation, services, records, and facilities of the federal agencies in the administration and enforcement of this part. It shall cooperate with and make available to the federal agencies, its services, records, and facilities, insofar as practicable.

Administration

21251. In administering this part the department may use the facilities and services of other state agencies and political subdivisions to the utmost extent possible. These agencies and political subdivisions shall make available to the department their facilities and services.

Enforcement

21252. (a) The department, its members, the director, officers and employees of the department, and every state and peace officer charged with the enforcement of state and subordinate laws or ordinances, may enforce and assist in the enforcement of this part, the rules and orders issued under this part, and all other laws of this state relating to aeronautics. In the enforcement of such rules, orders, and laws, the director, and such officers and employees as the director may designate, shall have the authority, as public officers, to arrest without a warrant, any person who, in his presence, has violated or as to whom there is probable cause to believe has violated any of such rules, orders, or laws.

In any case in which an arrest authorized by this subdivision is made for an offense declared to be a misdemeanor, and the person arrested does not demand to be taken before a magistrate, the arresting officer may, instead of taking such person before a magistrate, follow the procedure prescribed by Chapter 5C (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a citation pursuant to this authority.

(b) There shall be no civil liability on the part of and no cause of action shall arise against any person, acting pursuant to subdivision (a) and within the scope of his authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the arresting officer, at the time of such arrest, had reasonable cause to believe was lawful. No such officer shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

(c) The director, and such officers and employees as the director may designate, may serve all processes and notices throughout the state.

Enforcement of Part; Injunction and Other Legal Process

21253. In the name of the state, the department may enforce this part and rules and orders issued under this part by injunction or other legal process in the courts of this state.

Reports of Violations to Federal and Other State Agencies

21254. The department may report to the appropriate federal agencies and agencies of other states all proceedings instituted charging violations of Section 21407, and Sections 21409 to 21412, inclusive, and all penalties of which it has knowledge imposed upon airmen or the owners or operators of aircraft for violations of the law of this state relating to aeronautics or for violations of the rules or orders of the department.

Reports from Federal and Other State Agencies

21255. The department may receive reports of penalties and other data from agencies of the federal government and other states, and may enter into agreements with these agencies governing the delivery, receipt, exchange, and use of reports and data. The department may make the reports and data of these agencies and of the courts of this state available to any court of this state and to any officer of the state or of any political subdivision authorized to enforce the aeronautics laws by Section 21252.

Receipt and Disbursement of Funds

21256. The department may accept, receive, receipt for, disburse, and expend federal and other money, public or private, made available to accomplish in whole or in part any of the purposes of this part. All federal money accepted under this part shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. In accepting federal money under this part, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department under Section 21603. The department shall deposit all money received under this section in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Ownership and Operation of Aircraft

21257. The department may own and operate aircraft for use in the furtherance of its duties, employ airmen and mechanics for proper operation and maintenance of the aircraft, and insure its employees against injury or death arising from aircraft accidents incurred in the performance of their assigned duties, within the limits of appropriations for these purposes.

Department Responsibility

21258. The department shall represent the state and local agencies before the Civil Aeronautics Board and other federal agencies in all matters related to the Airline Deregulation Act of 1978 (P.L. 95-504, as amended) and the essential air service program created by that act. The department shall assist and cooperate with federal, state, and local agencies and private entities in the development of a stable and efficient regional air carrier system.

Chapter 3. Regulation of Aeronautics

Sovereignty

21401. Sovereignty in the space above the land and waters of this state rests in the state, except where granted to and assumed by the United States pursuant to a constitutional grant from the people of the state.

The operation of aircraft in such space is a privilege subject to the laws of this state.

Ownership; Prohibited Use of Airspace

21402. 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.

Lawful Flight; Flight Within Airport Approach Zone

21403. (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.

Tort Liability; Injury or Death of Passengers

21404. Liability of the owner or pilot of an aircraft carrying passengers for injury or death to the passengers is determined by the rules of law applicable to torts on the land or waters of this state, arising out of similar relationships. Every owner of an aircraft is liable and responsible for death or injury to person or property resulting from a negligent or wrongful act or omission in the operation of the aircraft, in the business of the owner or otherwise, by any person using or operating the same with the permission, express or implied, of the owner.

Limitation on Liability

21404.1. (a) The liability of an owner, bailee of an owner, or personal representative of a decedent imposed by Section 21404 and not arising through the relationship of principal and agent or master and servant is limited to the

amount of fifteen thousand dollars (\$15,000) for the death of or injury to one person in any one accident and, subject to the limit as to one person, is limited to the amount of thirty thousand dollars (\$30,000) for the death of or injury to more than one person in any one accident and is limited to the amount of five thousand dollars (\$5,000) for damage to property of others in any one accident.

(b) An owner, bailee of an owner, or personal representative of a decedent is not liable under this section for damages imposed for the sake of example and by way of punishing the operator of the aircraft. Nothing in this subdivision makes an owner, bailee of an owner, or personal representative immune from liability for damages imposed for the sake of example and by way of punishing him for his own wrongful conduct.

Tort Liability; Collision Damage

21405. The liability of the owner of one aircraft to the owner of another aircraft, or to operators or passengers on either aircraft, for damage caused by collision on land or in the air, is determined by the rules of law applicable to torts on land.

Careless or Reckless Operation

21407. It is unlawful for any person to operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging operation of aircraft in violation of this section, the court in determining whether the operation was careless or reckless shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

Operation While Under the Influence

21407.1. (a) It is unlawful for any person, who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, to operate an aircraft in the air, or on the ground or water, or to engage in parachuting for sport.

(b) No person shall operate an aircraft in the air or on the ground or water who has 0.04 percent or more, by weight, of alcohol in his or her blood.

Consent to Chemical Testing

21407.2. (a) (1) (A) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of any investigation of a suspected violation of state or local law. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.

(B) Any person who operates an aircraft in the air or on the ground or water is deemed to have given his or her consent to chemical testing of his or her blood or urine for the purpose of determining the drug content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 21407.1 or if the officer requests chemical testing as part of an investigation of a suspected violation of state or local law.

(C) The testing shall be administered at the direction of a peace officer having reasonable cause to believe the person was operating an aircraft in violation of Section 21407.1 under either of the following conditions:

(i) The person is lawfully arrested.

(ii) The officer requests the person to submit to chemical testing as part of an investigation of a suspected violation of state or local law.

(D) The person shall be told that his or her failure to submit to, or the failure to complete, the required chemical testing may result in prohibition from operating an aircraft for not more than one year and, if the person is convicted of a violation of Section 21407.1, a fine, imprisonment, prohibition from operating an aircraft for not more than one year, or any combination thereof.

(2) (A) If the person is lawfully arrested for operating an aircraft under the influence of an alcoholic beverage, the person has the choice of whether the test shall be of his or her blood or breath, and the officer shall advise the person that he or she has that choice. If the person arrested either is incapable, or states that he or she is incapable, of completing the chosen test, the person shall submit to the remaining test. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.

(B) If the person is lawfully arrested for operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice.

(C) A person who chooses to submit to a breath test may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was operating an aircraft under the influence of any drug or the combined influence of an alcoholic beverage and any drug and if the officer has a clear indication that a blood or

urine test will reveal evidence of the person being under the influence. The officer shall state in his or her report the facts upon which that belief and that clear indication are based. If the person who is arrested is either incapable or states that he or she is incapable of completing a blood test, that person shall submit to and complete a urine test. If the person arrested either is incapable, or states that he or she is incapable, of completing either chosen test, the person shall submit to and complete the other remaining test.

(3) If the person is lawfully arrested for an offense allegedly committed in violation of Section 21407.1 and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person has the choice of those tests which are available at the facility to which that person has been transported. In that event, the officer shall advise the person of those tests which are available at the medical facility and that the person's choice is limited to those tests which are available.

(4) The officer shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test or tests, before deciding which test or tests to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against him or her in a court of law.

(5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn his or her consent and a test or tests may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test or tests may result in a fine, imprisonment, and prohibition from operating an aircraft for not more than one year. Any person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered at the direction of a peace officer.

(b) Any person who is afflicted with hemophilia is exempt from the blood test required by this section.

(c) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon is exempt from the blood test required by this section.

(d) (1) A person lawfully arrested for any offense allegedly committed while the person was operating an aircraft in violation of Section 21407.1 may request the arresting officer to have a chemical test made of the arrested person's blood or breath for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.

(2) If a blood or breath test is not available under subparagraph (A) of paragraph (1) of subdivision (a), or under subparagraph (A) of paragraph (2) of subdivision (a), or under paragraph (1) of this subdivision, the person shall submit to the remaining test in order to determine the percent, by weight, of alcohol in the person's blood. If both the blood and breath tests are unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test.

Punishment

21407.6. (a) Any person convicted under Section 21407.1 shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

Any person convicted under Section 21407.1 shall be punished upon a second or any subsequent conviction by imprisonment in the county jail for not less than five days nor more than one year and by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), without being granted probation by the court and without having the court suspend the execution of the sentence.

(b) Any person convicted under Section 21407.1 and who, when so operating an aircraft, has done any act forbidden by law or neglects any duty imposed by law in the operation of the aircraft, which act or neglect proximately causes bodily injury to any person other than the operator shall be punished by imprisonment in the state prison, or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars (\$250) nor more than ten thousand dollars (\$10,000).

Authority to Prohibit Violator from Operation Aircraft

21408. For any violation of Section 21407 or 21407.1, in addition to the penalties provided by Section 21019 or 21407.6, the court may prohibit the violator from operating an aircraft within the state for a period not exceeding one year. Violation of the prohibition of the court may be treated as a separate offense under this section or as a contempt of court. Upon a plea of guilty or conviction under Section 21407 or 21407.1, the department shall cause a record of the plea or conviction and of the sentence imposed to be maintained. This section does not authorize the court or any other agency or person to take away, impound, hold, or mark any federal certificate, permit, rating, or license. The peace officer requesting that a person submit to a chemical test of the blood, breath, or urine pursuant to Section 21407.2 shall report anyone refusing to submit to the chemical test to the Federal Aviation Administration for appropriate administrative action.

Unlicensed Operation

21409. It is unlawful for any person to engage in aeronautics as an airman in the State unless he has an appropriate effective airman certificate, permit, rating, or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if the certificate, permit, rating, or license is required by the United States.

Possession and Inspection of Certificate, License, Etc.

21410. Every airman shall keep any certificate, permit, rating, or license required for him by the United States in his personal possession when he is operating within the state. He shall present it for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the airman lands, or upon the reasonable request of any other person.

Unlicensed Aircraft

21411. It is unlawful for any person to operate, or cause or authorize to be operated, any civil aircraft within this State unless the aircraft has an appropriate effective certificate, permit, or license issued by the United States if required by the United States.

Posting Aircraft License; Inspection

21412. Any certificate, permit, or license required by the United States for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the state, shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of any peace officer, any other officer of the state or of a political subdivision, or member, official, or employee of the department, authorized by Section 21252 to enforce the aeronautics laws, or any official, manager, or person in charge of any airport upon which the aircraft lands, or upon the reasonable request of any person.

Accidents; Reports; Preservation of Parts Pending Investigation

21413. The department shall report to the appropriate federal agency all accidents in aeronautics in this state of which it is informed, and shall, insofar as is practicable, preserve, protect, and prevent the removal of the component parts of any aircraft involved in an accident being investigated by it until the federal agency institutes an investigation.

Intoxicated Persons In or About Aircraft

21415. No person shall be in, or perform any act in connection with the maintenance or operation of, any aircraft when under the influence of intoxicating liquor.

This section does not apply to a person who is in an aircraft merely as a passenger, but this section shall not be construed to relieve any such person of criminal liability imposed by any other law for being intoxicated while in an aircraft.

Locking Door Separating Pilot Compartment from Passenger Compartment

21416. On all commercial aircraft which transport passengers for compensation or hire the door which separates the pilot compartment from the passenger compartment shall be kept locked at all times the aircraft is in a flight over this state during which passengers are being transported except:

(a) During takeoff and landing of the airplane when such door is the means of access to a required passenger emergency exit.

(b) At such times as it may be necessary to provide access to the flight crew or passenger compartments for the crew members in the performance of their duties, or to provide access for other persons authorized admission to the flight crew compartment.

The pilot of the aircraft shall be guilty of a misdemeanor if the door is not so locked.

It shall be unlawful for any person, except a member of the crew, to have in his possession in the passenger compartment at any time the aircraft is in a flight over this state during which passengers are being transported a key or other device for opening such door from the passenger side of the door.

Meteorological Towers

21417. (a) As used in this section, the following terms have the following meanings:

- (1) "Meteorological instrument" means an instrument for measuring and recording the speed of the wind.
- (2) "Meteorological tower" means a structure, including all guy wires and accessory facilities, on which a meteorological instrument is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.
- (3) "Prime agricultural land" means land that satisfies the requirements of paragraph (1), (2), or (4) of subdivision (c) of Section 51201 of the Government Code.
- (b) A meteorological tower below 200 feet in height and above 50 feet in height that is located on prime agricultural land, or within one mile of prime agricultural land, and erected after January 1, 2013, shall be marked as follows:
- (1) The full length of the meteorological tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower. The bands shall be between 20 and 30 feet in width.
- (2) Two or more high visibility spherical marker balls, also called cable balls, that are aviation orange shall be attached to each outside guy wire that is connected to a meteorological tower.
- (3) One or more seven-foot high visibility safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.
- (c) A light may be affixed to the highest point on a meteorological tower as an additional option for the marking of the meteorological tower.
- (d) (1) A local agency may incorporate any requirements of this section into any applicable land use permit that the agency administers.
- (2) This section shall not be construed to authorize a local agency to require a new permit that applies to a meteorological tower.
- (3) To the extent that the requirements of this section conflict with local permitting requirements, the requirements of this section shall supersede those permitting requirements.
- (e) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

Chapter 3.7 Wire Strike Education and Prevention

Legislative Intent

21504. The Legislature finds and declares as follows:

- (a) Representatives from the aviation community, electric utility industry, and government agencies voluntarily convened a working group in July 1992 to develop a comprehensive program to improve low-level flight safety throughout California.
- (b) The working group found that the prevention of aircraft wire strikes and losses through (1) pilot education and awareness and (2) selective marking of those wires and supporting structures that present a hazard to low-level flight safety are equally important to improving low-level flight safety throughout the state.
- (c) The working group developed criteria for marking selected wires and supporting structures based upon visibility and likelihood of aircraft activity, which now must be evaluated in the field.
- (d) It is, therefore, the intent of the Legislature in enacting this chapter to implement recommendations of the working group to undertake a pilot education and awareness program and to evaluate the criteria for marking selected wires and supporting structures in the field.

Pilot Awareness Program

21505. (a) The Division of Aeronautics, in cooperation with the aviation industry and the electric utility industry and in consultation with the Federal Aviation Administration, shall coordinate and disseminate information provided by the working group to pilots to increase awareness of wire hazards and to communicate techniques for identifying and avoiding wires.

(b) For purposes of coordinating and disseminating the information provided to the division by the working group pursuant to subdivision (a), every electrical corporation and publicly owned electrical utility in this state which serves 250,000 or more customers shall pay a one-time fee in a sufficient amount so that the total of all fees collected does not exceed one hundred thousand dollars (\$100,000). The fee shall be in the proportion that each utility's total miles of transmission line greater than 110 kilovolts bears to the total miles of transmission line greater than 110 kilovolts statewide.

(c) All fees collected pursuant to subdivision (b) shall be deposited in the Aeronautics Account in the State Transportation Fund to be continuously appropriated to the Department of Transportation for the purposes set forth in subdivision (a).

Cost Recovery

21507. All costs incurred by an electrical corporation pursuant to this chapter shall be deemed reasonable by the commission and shall be fully recoverable through rates.

Chapter 4. Airports and Air Navigation Facilities

Article 1. Assistance to Political Subdivisions

Engineering and Technical Services

21601. The department may make available its engineering and other technical services, with or without charge, to any political subdivision or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities, subject to rules promulgated by the department.

Financing

21602. (a) Subject to the terms and within the limits of special appropriations made by the Legislature, the department may render financial assistance by grant or loan, or both, to political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by a political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be appropriate to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

(b) Notwithstanding subdivision (a) of Section 21681, a city or county designated by the Airport Land Use Commission is eligible to compete for funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned, public use airport that is included in an airport land use compatibility plan. However, the city or county shall be eligible to compete for the funds only when zoning on the parcel is tantamount to a taking of all reasonable uses that might otherwise be permitted on the parcel. The eligible airport and aviation purposes are limited to those specified in paragraphs (4), (5), (6), (9), and (14) of subdivision (f) of Section 21681, and, further, any capital improvements or acquisitions shall become the property of the designated city or county. Matching funds pursuant to subdivision (a) of Section 21684 may include the in-kind contribution of real property, with the approval of the department.

(c) Any grant of funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned airports shall contain a covenant that the airport remain open for public use for 20 years. Any grant made to a city or county on behalf of a privately owned airport shall contain a payback provision based upon existing market value at the time the private airport ceases to be open for public use.

(d) Upon request, California Aid to Airports Program (CAAP) projects included within the adopted Aeronautics Program, may be funded in advance of the year programmed, with the concurrence of the department, in order to better utilize funds in the account.

(e) There is, in the Aeronautics Account in the State Transportation Fund, a subaccount, the Local Airport Loan Account, for the management of funds for loans to local entities pursuant to this chapter. All funds for airport loans in the Special Deposit Fund are hereby transferred to the subaccount. With the approval of the Department of Finance, the department shall deposit in the subaccount all money received by the department from repayments of and interest on existing and future airport loans, including, but not limited to, the sums of five hundred forty thousand dollars (\$540,000) in repayments from the General Fund due in July 1987, and July 1988, and may, upon appropriation, transfer additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate. Interest on money in the subaccount shall be credited to the subaccount as it accrues.

(f) (1) Notwithstanding subdivision (a) of Section 13340 of the Government Code, the money in the subaccount created by subdivision (e) is hereby continuously appropriated to the department without regard to fiscal years for purposes of loans to political subdivisions for airport purposes.

(2) Upon a determination by the department that the balance in the subaccount exceeds projected needs, funds in the subaccount may be transferred by the department to the Aeronautics Account to fund the California Aid to Airports Program with the approval of the California Transportation Commission and the Department of Finance. The transfers shall not reduce the amount of funds in the subaccount below five million dollars (\$5,000,000).

Agent for Political Subdivisions; Contracts; Handling of Funds

21603. Upon the request of any political subdivision or political subdivisions acting jointly, the department may act as agent in accepting, receiving, receipting for, and disbursing federal money, and other money public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance, or operation of a public airport or air navigation facility. The department may act as agent in contracting for and supervising the planning, acquisition, construction, improvement, maintenance, or operation. Any political subdivision may designate the department as its agent for these purposes.

The department as principal on behalf of the state, and any political subdivision on its own behalf, may enter into any contracts with each other, the United States, or any person, which may be required in connection with a grant or loan of federal money for public airport or air navigation facility purposes.

All federal money accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All money received by the department pursuant to this section shall be deposited in the Special Deposit Fund in the State Treasury, to be disbursed or expended in accordance with the terms and conditions upon which it was made available.

Airport Closing Procedures

21605. No proprietor of any permitted airport which is open to the public and has received public funds shall close or suspend operation of the airport, or close an existing runway or taxiway except on a temporary basis for inspection, maintenance, construction, or emergency purposes, without notifying the department in writing 60 days prior to the intended closure or suspension of operations. On its own motion or upon the request of an affected or interested person, the department may conduct a public hearing to determine the impact of the intended closure or suspension of operations, both economically and on the entire state air transportation system. The department may take appropriate action to assist the proprietor in keeping the airport operational and open for public use.

Article 2. State Airports and Air Navigation Facilities

Establishment; Planning; Construction

21631. From appropriations or other money made available for the purpose, the department, on behalf of and in the name of the state, may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, and protect airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance, and operation at the airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

Acquisition of Existing Facilities

21632. (a) The department may also acquire existing airports and air navigation facilities, but it shall not acquire any airport or air navigation facility owned or controlled by a political subdivision of this or any other state without the consent of the political subdivision.

(b) Whenever an airport owned or operated by the United States in this state ceases to be so owned or operated, the department, in consultation with local and regional transportation planning agencies, may evaluate the present and future need for the airport in the state's public-use airport system, including the need for both the transportation of people and goods. The purpose of the evaluation is to determine aviation needs and does not eliminate any requirement of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

(c) Prior to finalizing the evaluation, the department shall submit a copy of its report to the commission for review and comment.

The commission shall complete its review and forward any comments to the department not later than 45 days after receiving the evaluation.

(d) Upon completion of its evaluation, the department may make a recommendation to the Legislature, the commission, the affected local agencies, and the appropriate federal agency for the airport's ownership and type of operation as a public-use airport, if the department determines that the airport would be of significant benefit to the state's airport system. It is the intent of the Legislature that the department, in making its recommendation, give priority for ownership and operation of these public-use airports to a local political subdivision or subdivisions acting jointly.

(e) Notwithstanding Section 21606, if a political subdivision or subdivisions acting jointly notify the department of their intentions to prepare a reuse plan for the airport, and simultaneously apply to the Federal Aviation Administration for a federal grant to develop an airport master plan for the airport, the department shall not make its recommendation pursuant to subdivision (d). If the department's evaluation determines that the airport would be of

significant benefit to the state's airport system, and the political subdivision or subdivisions acting jointly fail to convert the federal airport to a civil public-use airport in accordance with the department's evaluation within five years of notification to the department, or fail to evidence substantial progress toward that purpose as determined by the department, then the department may take action in accordance with subdivision (f).

(f) If the department determines the airport is of present or future benefit to the state's public-use airport system, and no political subdivision applies to the appropriate federal agency to acquire or operate the airport, or has notified the department of its intention to prepare a reuse plan for the airport and thereafter fails to act upon its application pursuant to subdivision (e), the department may, subject to subdivision (g), assist in the formation of a public entity to own and operate the airport which shall be representative of political subdivisions in the area which surrounds and is served by the airport, as determined by the department. If established, the owning and operating entity may, subject to subdivision (g), prepare and submit an application to the appropriate federal agency to acquire or operate, or acquire and operate, the airport as a public airport.

(g) Notwithstanding subdivision (f), if any political subdivision has previously applied to the appropriate federal agency to acquire and operate the airport as a public airport, has completed all required environmental and fiscal evaluations, and subsequently withdrew its application prior to December 31, 1988, the department shall not file any application to acquire or operate the airport or assist in the formation of a public entity to own and operate the airport.

Acquisition of Real or Personal Property

21633. For the purposes of this article, the department, by purchase, gift, devise, lease, condemnation, or otherwise, may acquire real or personal property, or any interest therein, including any property described in Section 21652.

Disposal of Property

21636. The department may dispose of any property, airport, air navigation facility, or portion or interest, acquired pursuant to this article, by sale, lease, or otherwise. The disposal shall be in accordance with the laws of this state governing the disposition of other state property, except that in the case of disposals to any political subdivision or government or the United States for aeronautical purposes, the disposal may be effected in the manner and upon the terms the department deems in the best interests of the state.

Contracts and Leases for Operation

21637. In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements for a term not exceeding 20 years with any person, granting the privilege of using or improving the airport or air navigation facility or space therein for commercial purposes, conferring the privilege of supplying goods, commodities, things, services, or facilities at the airport or air navigation facility, or making available services to be furnished by the department or its agents at the airport or air navigation facility. In each case the department may establish the terms and conditions and fix the charges, rentals, or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with regard to the property and improvement used and the expenses of operation to the state. In no case shall the public be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or portion of either. The department shall grant no exclusive privilege for the sale or delivery of gasoline or other petroleum products.

Lease of Airports

21638. The department shall call for bids for the operation of any state-owned airport and shall lease the airport for a term not to exceed five years to the highest qualified bidder or bidders. No person shall be granted any authority to operate the airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under Section 21637. The state may operate an airport only if no acceptable bid is received.

Exclusive Right for Use Prohibited

21639. The department shall grant no exclusive right for the use of any airport or air navigation facility under its jurisdiction. This section shall not be construed to prevent the making of contracts, leases, and other arrangements pursuant to this article.

Lien for Charges; Enforcement

21640. To enforce the payment of any charges for repairs, improvements, storage, or care of any personal property by the department or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state has a lien on the property, which is enforceable by the department as provided by law.

Flying or Releasing Balloon, Kite or Rocket Near Airport as Misdemeanor

21646. It shall be a misdemeanor for any person to release or fly or cause to be released or flown, within five miles of any airport, any moored balloon, kite, unmanned rocket, or unmanned free balloon which might be ingested by an aircraft engine or might cause a pilot's view of the airport and zone approach to be obstructed, or which could be used to suspend an object capable of endangering airborne aircraft or impairing a pilot's vision.

Article 2.5. Non-Public Use Airports

Airport Defined

21650. "Airport" for the purposes of this article means an airport not open to the general public.

Airport Marks; Federal Aviation Administration Standards

21650.1. An airport shall be marked as required by rule of the department with letters or symbol selected by the department to designate that the airport is not open to the general public. In selecting the letters or symbol, the department shall be guided by letters or symbols currently in use by the Federal Aviation Administration for similar or comparable purposes.

Permit; Application and Receipt Under Article 3

21650.2. Nothing shall prevent an airport from applying for and receiving a permit pursuant to Article 3 (commencing with Section 21661) of this chapter.

Article 2.6 Hazard Elimination; Flight Disturbance

Eminent Domain

21652. (a) Any person authorized to exercise the power of eminent domain for airport purposes may acquire by purchase, gift, devise, lease, condemnation, or otherwise:

(1) Any property necessary to permit the safe and efficient operation of the airport, or to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards.

(2) Airspace or an easement in such airspace above the surface of property where necessary to permit imposition upon such property of excessive noise, vibration, discomfort, inconvenience, interference with use and enjoyment, and any consequent reduction in market value, due to the operation of aircraft to and from the airport.

(3) Remainder property underlying property taken pursuant to paragraph (2), where permitted by Section 1240.410 of the Code of Civil Procedure.

(b) As used in this section, "property" includes real and personal property and any right or interest therein, whether within, beyond, adjacent to, or in the vicinity of, the boundaries of an airport or airport site, and, by way of illustration and not by way of limitation, includes air rights, airspace, air easements, and easements in airport hazards.

Removal of Hazards

21653. Any person authorized to exercise the power of eminent domain for airport purposes may provide, by purchase, gift, devise, lease, condemnation, or otherwise, for the removal or relocation of any airport hazard or the removal or relocation of all facilities, structures, and equipment that may interfere with the location, expansion, development, or improvement of the airport and other air navigation facilities or with the safe approach thereto and takeoff therefrom by aircraft. Any person acting under authority of this section shall pay the cost of such removal or relocation.

Article 2.7 Regulation of Obstructions

Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

21655. 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.

Permit for Extension of Structure More Than 500 Feet Above Ground

21656. No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the department. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 Stat. 731).

Refusal to Issue Permit; Request for Hearing

21657. The department may refuse issuance of a permit under Section 21656 if it determines that the erection of or addition to a structure would obstruct the airspace overlying the state so as to create an unsafe condition for the flight of aircraft.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

21658. 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.

Hazards Near Airports Prohibited

21659. (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).

Refusal to Issue Permit; Request for Hearing

21660. The department may refuse issuance of a permit under Section 21659 if it determines that the construction or alteration of the structure or growth of the natural growth would constitute a hazard to air navigation or create an unsafe condition for air navigation.

Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether a permit shall be issued. The hearing shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3. Regulation of Airports

Exemptions

21661. This article does not apply to any temporary seaplane landing site, ultralight vehicle flightpark, or to airports owned or operated by the United States. To the extent necessary, the department may exempt any other class of airports, pursuant to a reasonable classification or grouping, from any rule or requirement thereof, adopted pursuant to this article, if it finds that its application would be an undue burden on the class and is not required in the interest of public safety.

This section shall become operative on January 1, 1989.

City Council or Board of Supervisors and ALUC Approvals

21661.5. (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.

Submission of Plan for Expansion or Enlargement of Airport

21661.6. (a) Prior to the acquisition of land or any interest therein, including tide and submerged lands or other lands subject to the public trust for commerce, navigation, or fisheries, by any political subdivision for the purpose of expanding or enlarging any existing publicly owned airport, the acquiring entity shall submit a plan of that expansion or enlargement to the board of supervisors of the county, or the city council of the city, in which the property proposed to be acquired is located.

(b) The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired.

(c) The board of supervisors or the city council, as the case may be, shall, upon notice, conduct a public hearing on the plan, and shall thereafter approve or disapprove the plan.

(d) Upon approval of the plan, the proposed acquisition of property may begin.

(e) The use of property so acquired shall thereafter conform to the approved plan, and any variance from that plan, or changes proposed therein, shall first be approved by the appropriate board of supervisors or city council after a public hearing on the subject of the variance or plan change.

(f) The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports.

Approval of Sites; Issuance of Permits; Charges

21662. The department shall have the authority to issue airport site approval permits, amended airport site approval permits, airport permits, and amended airport permits. No charge shall be made for the issuance of any permit.

Emergency Service Helicopters

21662.1. (a) At or as near as practical to the site of a medical emergency and at a medical facility, an officer authorized by a public safety agency may designate an area for the landing and taking off of an emergency service helicopter, in accordance with regulations established not later than January 1, 1989, pursuant to Section 21243.

(b) "Public safety agency" means any city, county, state agency, or special purpose district authorized to arrange for emergency medical services.

Emergency Flights for Medical Purposes

21662.4. (a) Emergency aircraft flights for medical purposes by law enforcement, firefighting, military, or other persons who provide emergency flights for medical purposes are exempt from local ordinances adopted by a city, county, or city and county, whether general law or chartered, that restrict flight departures and arrivals to particular hours of the day or night, that restrict the departure or arrival of aircraft based upon the aircraft's noise level, or that restrict the operation of certain types of aircraft.

(b) As used in this section, "emergency aircraft flights for medical purposes" are those flights in which undue delay would threaten a patient's life. "Emergency aircraft flights for medical purposes" include, but are not limited to, flights for the transportation of any of the following:

- (1) Patients accompanied by licensed or certificated medical attendants such as paramedics, nurses, physicians, and respiratory therapists.
- (2) Surgical transplant teams for the purpose of procuring human organs for reimplantation in recipients.
- (3) Organ procurement agency coordinators responding to a potential donor.
- (4) Temporarily viable human organs such as a heart, liver, lungs, kidneys, and pancreas, and human tissue, blood, or blood components.
- (5) Human tissue and blood samples for clinical testing to determine compatibility between a donor and a recipient.
- (6) Mechanical adjuncts or biological replacements for human organs.
- (7) Medical equipment and supplies.
- (8) Aircraft or equipment used during a medical emergency, or emergency personnel and first responders involved in treating the medical emergency, for the purpose of returning to its base of operation.

"Emergency aircraft flights for medical purposes" do not include the transportation of medical personnel to attend seminars, conferences, or speaking appearances in which undue delay would not jeopardize any patient's medical condition.

(c) (1) Written information concerning the emergency shall be submitted to the airport proprietor for all emergency aircraft flights within 72 hours prior or subsequent to the departure or arrival of the aircraft. For all emergency aircraft flights for medical purposes, the information shall include the patient's name and address, the names of medical attendants or personnel and the discipline in which they are licensed or hold a certificate to practice, a signed statement by the attending physician specifying that a medical emergency was involved, the requesting medical facility or agency, the intended destination, the type and registration number of the aircraft, and the names of all flight crew members, provided that the disclosure is authorized by and made in a manner consistent with the standards with respect to the privacy of individually identifiable health information of Title II (commencing with Section 200) of the federal Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the regulations issued by the United States Department of Health and Human Services pursuant to that act (45 C.F.R. Pts. 160 and 164), and the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code).

(2) This subdivision does not apply to emergency aircraft flights for medical purposes by law enforcement, firefighting, or military personnel.

(d) Any airport that incurs additional expenses in order to accommodate the arrival or departure of emergency aircraft flights for medical purposes may charge the patient on whose behalf the flight is made, or any organization or entity which has volunteered to reimburse the airport, for those expenses.

(e) For emergency aircraft flights for medical purposes, when two airports are located in the same geographical area, and one of the airports is a "closed" or restricted airport, the Legislature encourages the use of the "open" or unrestricted airport when feasible, rather than using the "closed" or restricted airport.

(f) When leasing aircraft for flights for emergency medical purposes, the Legislature encourages the use, when feasible, of aircraft which comply with local noise ordinances.

Helicopters in Proximity to Certain Schools Prohibited

21662.5. Notwithstanding Section 21006 or Section 21661 or any other provision of law to the contrary, no helicopter may land or depart in any area within 1,000 feet, measured by air line, of the boundary of any public or private school maintaining kindergarten classes or any classes in grades 1 through 12, without approval of the department or by a public safety agency designated by the department, unless the landing or departure takes place at a permitted permanent heliport, or is a designated emergency medical service landing site.

Before approval of the landing or departure of a helicopter pursuant to this section, all schools within the specified area shall be notified by the department or public safety agency of the application and shall have 15 days after the notice in which to demand a public hearing. The public hearing shall be held at a location in the immediate vicinity

of the landing or departure site. The department or public safety agency shall not grant approval pursuant to this section unless it has first found that helicopter operations at the proposed site can be conducted in a safe manner, and in accordance with criteria established by the department.

This section shall not prevent the governing body of any city or county from enacting ordinances or regulations imposing restrictions equal to or greater than those imposed by this section.

Operation Without Permit

21663. It is unlawful for any political subdivision, any of its officers or employees, or any person to operate an airport unless an appropriate airport permit required by rule of the department has been issued by the department and has not subsequently been revoked.

Approval of Sites; Application

21664. Any political subdivision or person planning to construct, establish, or expand an airport shall apply for the appropriate permit from the department prior to the construction, establishment or expansion. The application shall set forth the location of all highways, railways, wires, cables, poles, fences, schools, residential areas and places of public gathering, and any other information as may be required by the rules and regulations of the department. Whenever an airport owned or operated by the United States ceases to be so owned or operated, any political subdivision or person desiring or planning to own or operate the airport shall apply to the department in compliance with the provisions of this article. If the airport holds a permit issued by the department, the application shall be confined to consideration of the matters enumerated in subdivision (e) of Section 21666.

Amended Airport Permits; Airport Expansion Defined

21664.5. (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.

Issuance of Permits; Requirements; Conditions

21666. The department shall issue a permit if it is satisfied that all of the following requirements have been met:

(a) The site meets or exceeds the minimum airport standards specified by the department in its rules and regulations, provided, however, that the department may modify its minimum airport standards when issuing a permit if it is satisfied that the airport will conform to minimum standards of safety.

(b) Safe air traffic patterns have been established for the proposed airport and for all existing airports and approved airport sites in its vicinity.

(c) The zone of approach of the airport has been engineered in conformity with the provisions of Section 21403, the documents relating thereto are available for public inspection.

(d) The department when issuing a permit may impose reasonable conditions which it deems necessary to effectuate the purposes of this article.

(e) The advantages to the public in selection of the site of a proposed new airport outweigh the disadvantages to the environment or, in the case of an amended permit, the advantages to the public of the proposed airport expansion outweigh the disadvantages to the environment. Environmental considerations include but are not limited to noise, air pollution, and the burden upon the surrounding area caused by the airport or airport expansion, including but not limited to, surface traffic and expense. The standards by which noise considerations are weighed shall be the level of noise acceptable to a reasonable person residing in the vicinity of the airport. The regulations adopted by the department pursuant to Section 21669 may be considered in determining such level of noise.

Each permit issued by the department shall set forth any conditions imposed thereon, and any modification of the general minimum airport standards prescribed by the department relative to such airport or airport site.

The department may refuse to issue a permit under this article if it determines that the requirements of this section have not been met. Any person denied a permit shall, upon request, be granted a hearing by the department to determine whether the permit should be issued.

Revocation of Permit; Grounds

21668. The department may revoke any airport permit if it determines that any of the following conditions are present:

- (a) There has been an abandonment of a site or an airport.
- (b) There has been a failure within the time prescribed to develop the site as an airport or to comply with the conditions of the approval as set forth in the permit.
- (c) The airport or site no longer conforms to the minimum airport standards prescribed by the department, or no longer complies with the conditions imposed in the airport permit or site approval.
- (d) The owner or operator of a permitted airport has failed to comply with any rule or regulation of the department.
- (e) The site may no longer be safely used by the general public because of a change in physical or legal conditions either on or off the airport site.

The department shall not revoke a permit under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary revocation. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the revocation shall remain in effect.

Suspension of Operation

21668.2. In lieu of revoking an airport permit pursuant to Section 21668, the department may suspend any airport permit, or may require suspension of operations of a portion of an airport, and such suspension shall remain in effect until the department determines that the conditions requiring the suspension no longer exist.

The department shall not order a suspension under this section without prior notice or opportunity for hearing, unless the department determines in writing that public safety considerations require a summary suspension. In this event, any person aggrieved by the action of the department shall, upon request, be granted a hearing by the department to determine whether the suspension shall remain in effect.

Adoption of Noise Standards

21669. The department shall adopt noise standards governing the operation of aircraft and aircraft engines for airports operating under a valid permit issued by the department to an extent not prohibited by federal law. The standards shall be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport.

Existing Residential Conversion

21669.1. (a) Land use conversion involving existing residential communities shall generally be considered the least desirable action for achieving compliance with noise standards regulations adopted by the Department of Transportation pursuant to Section 21669.

(b) Nothing in this section creates a private right of action in any civil litigation.

(c) This section is declaratory of existing regulations of the department.

Guidelines

21669.2. In its deliberations, the department shall be governed by the following guidelines:

(a) Statewide uniformity in standards of acceptable airport noise need not be required, and the maximum amount of local control and enforcement shall be permitted.

(b) Due consideration shall be given to the economic and technological feasibility of complying with the standards promulgated by the department.

Effective Date of Regulations

21669.3. Any regulations designed to establish a noise monitoring program at an airport entering service after November 30, 1971, shall go into effect on the date the airport enters service.

Violation of Standards; Enforcement; Penalties

21669.4. (a) The violation of the noise standards by any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars (\$1,000) for each infraction.

(b) It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department. To this end, the operator of an airport shall furnish to the enforcement authority designated by the county the information required by the department's regulations to permit the efficient enforcement thereof. The operator of each airport shall reimburse the county for its costs of implementing the airport noise regulations contained in Article 8 (commencing with Section 5050) of subchapter 6 of Title 4 of the California Administrative Code, which shall, for purposes of subdivision (c), credit the operator for any amounts received from penalties assessed for violations at such airport. Upon request of the operator, the department shall review and shall determine the reasonableness of such costs, and such costs may be considered in fixing any airport user fees.

(c) Penalties assessed for the violation of the noise regulations shall be used first to reimburse the General Fund for the amount of any money appropriated to carry out the purposes for which the noise regulations are established, and second be used in the enforcement of the noise regulations at participating airports.

Noise-sensitive projects; approval conditioned upon grant of aviation easement

21669.5. (a) For purposes of this section, the following terms have the following meanings:

(1) (A) "Avigation easement" means a less-than-fee-title transfer of real property rights from the property owner that may convey to an owner or operator of an airport any or all of the following rights:

(i) A right-of-way for the free and unobstructed passage of aircraft through the airspace over the property at any altitude above a specified surface.

(ii) A right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.

(iii) A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.

(iv) 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.

(v) A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.

(B) "Avigation easement" includes an easement obtained pursuant to paragraph (2) of subdivision (a) of Section 21652.

(2) "CNEL" means community noise equivalent level established pursuant to Chapter 6 (commencing with Section 5000) of Division 2.5 of Title 21 of the California Code of Regulations.

(3) "Noise-sensitive land use" means residential uses, including detached single-family dwellings, multifamily dwellings, highrise apartments or condominiums, mobilehomes, public and private educational facilities, hospitals, convalescent homes, churches, synagogues, temples, and other places of worship.

(4) "Noise-sensitive project" means a project involving new construction or reconstruction for a planned noise-sensitive land use within an airport's 65 decibels CNEL or higher noise contour.

(b) If a political subdivision conditions approval of a noise-sensitive project upon the grant of an avigation easement to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction or reconstruction of the noise-sensitive project. The owner or operator of an airport that is granted an avigation easement as a condition for approval of a noise-sensitive project pursuant to this subdivision shall be entitled to immediately record it upon receipt.

(c) An avigation easement granted to the owner or operator of an airport as a condition for approval of a noise-sensitive project shall include a termination clause that operates to terminate the avigation easement if the noise-sensitive project is not built and the permit or any permit extension authorizing construction or reconstruction of the noise-sensitive project has expired or has been revoked.

(d) Within 30 days after expiration or revocation of a permit or permit extension that authorized construction or reconstruction of a noise-sensitive project and was conditioned upon the property owner granting an avigation easement to the owner or operator of an airport, the political subdivision that had issued the permit shall notify the owner or operator of the airport of the expiration or revocation of the permit. Within 90 days after receipt of the notice from the political subdivision, the owner or operator of the airport shall record a notice of termination with the county recorder in which the property is located. Proof of filing of the notice of termination shall be provided to the political subdivision by the owner or operator of the airport within 30 days of recordation.

(e) Notwithstanding Sections 6103 and 27383 of the Government Code, in filing any instrument, paper, or notice pursuant to this section, the owner or operator of an airport shall pay all applicable recording fees prescribed by law.

Hearing Procedures

21669.6. Hearings under this article required by the provisions of Sections 21666, 21668, 21668.2, and 21669, or regulations adopted pursuant to those provisions, shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Article 3.5. Airport Land Use Commission

Creation; Membership; Selection

21670. (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.

Action by Designated Body Instead of Commission

21670.1. (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.

Los Angeles County

21670.2. (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.

San Diego County

21670.3. (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.

Intercounty Airports

21670.4. (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.

Actions subject to mediation

21670.6. Any action brought in the superior court relating to this article may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division 1 of Title 7 of the Government Code.

Airport Owned by a City, District, or County

21671. 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.

Term of Office

21671.5. (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.

Rules and Regulations

21672. 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.

Initiation of Proceedings for Creation by Owner of Airport

21673. 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.

Powers and Duties

21674. 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.

Training of Airport Land Use Commission's Staff

21674.5. (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.

Airport Land Use Planning Handbook

21674.7. (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.

Land Use Plan

21675. (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's 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.

Adoption of Land Use Plan

21675.1. (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.

Approval or Disapproval of Actions, Regulations, or Permits

21675.2. (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.

Review of Local General Plans

21676. (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.

Review of Local Plans

21676.5. (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.

Marin County Override Provisions

21677. 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.

Airport Owner's Immunity

21678. 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.

Court Review

21679. (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.

Deferral of Court Review

21679.5. (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.

Article 4. Aeronautics Fund

Continuation; Continuous Appropriation

21680. (a) The Aeronautics Fund is hereby continued in existence as the Aeronautics Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.

(b) Any reference in any law or regulation to the Airport Assistance Revolving Fund, the Airport Assistance Fund, or the Aeronautics Fund shall be deemed to refer to the Aeronautics Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Aeronautics Account in the State Transportation Fund.

Definitions

21681. As used in this article, the following terms have the following meanings:

(a) "Own and operate" means that the public entity shall own the property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and shall maintain dominion and control of the property, except that the public entity may provide by contract with a person for the operation and management of an airport otherwise meeting the requirements of this article. Operations of the airport shall be for, and on behalf of, the public entity. All leases to the public entity of property are required to be approved by the department. A lease of the property by the public entity to an agent or agency other than to a public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means money that is provided by the public entity and does not consist of funds previously received from state or federal agencies or public entity funds previously used to match federal or state funds. This definition shall be retroactive to July 1, 1967.

- (c) "General aviation" means all aviation except air carrier and military aviation.
- (d) "Public entity" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision, airport land use commission, community services district, or public corporation and the University of California.
- (e) "Public agency" means the various agencies of the State of California and the federal government.
- (f) "Airport and aviation purposes" means expenditures of a capital improvement nature, including the repair or replacement of a capital improvement, and expenditures for compatible land use planning in the area surrounding an airport, for any of the following purposes:
- (1) Land acquisition for development and improvement of general aviation aircraft landing facilities.
 - (2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.
 - (3) Construction or reconstruction of runways or taxiways.
 - (4) Acquisition of "runway protection zones" as defined in Federal Aviation Administration Advisory Circular 150/1500-13.
 - (5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.
 - (6) Removal of natural obstructions from runway protection zones.
 - (7) Installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.
 - (8) Installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.
 - (9) Installation of minimum security fencing around the perimeter of an aircraft landing facility.
 - (10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.
 - (11) Construction or reconstruction of transient general aviation aircraft parking areas.
 - (12) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.
 - (13) Air navigational facilities.
 - (14) Engineering and preliminary engineering related directly to a project funded under this article.
 - (15) Other capital improvements as may be designated in rules and regulations adopted by the department.
 - (16) Activities of an airport land use commission in connection with the preparation of a new or updated airport land use compatibility plan pursuant to Section 21675. Expenditures that cannot be clearly identified as capital improvements shall be submitted to the department for consideration and approval.
 - (17) Airport master plans and airport layout plans.
- (g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures that are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and other items of expenditure designated as "operation and maintenance" in rules and regulations adopted by the department.
- (h) "Enplanement" means the boarding of an aircraft by a revenue passenger, including an original, stopover, or transfer boarding of the aircraft. For purposes of this subdivision, a stopover is a deliberate and intentional interruption of a journey by a passenger scheduled to exceed four hours in the case of an intrastate or interstate passenger or not to exceed 24 hours in the case of an international passenger at a point between the point of departure and the point of destination, and a transfer is an occurrence at an intermediate point in an itinerary whereby a passenger or shipment changes from a flight of one carrier to another flight either of the same or a different carrier with or without a stopover.

Payments from Fund

21682. (a) The department shall establish individual revolving fund subaccounts for eligible airports in the Aeronautics Account in the State Transportation Fund. Money payable under this section shall be credited to individual airport subaccounts annually, and may be accumulated for a maximum period of five years.
- (b) The department shall, subject to Section 21684, credit from the Aeronautics Account to each public entity owning and operating an airport or airports under a valid permit issued by the department for every airport which has not been designated by the Federal Aviation Administration as (1) a reliever airport, as defined in Section 503 (a) (19) of the federal Airport and Airway Improvement Act of 1982, as amended, or (2) a commercial service airport, as defined in Section 503 (a) (5) of the federal Airport and Airway Improvement Act of 1982, as amended, the sum of ten thousand dollars (\$10,000) annually for each qualifying airport. These funds shall be paid to public entities upon request for expenditure on preapproved eligible projects. Eligible public entities may submit applications for the withdrawal of credited funds for expenditure on proposed projects in letter form to the department for review and approval. Projects identified shall be for airport and aviation purposes and operation and maintenance purposes. No payment made under this section is transferable, but shall be expended only upon the

airport for which the payment is made, unless the department authorizes a payment to be transferred for expenditure on another airport owned or operated by the public entity. The department may establish any accounting systems it deems necessary to provide for the cumulation and expenditure of funds under this subdivision.

(c) If, in any year, there is insufficient money in the Aeronautics Account to make the credits specified in subdivision (b), the department shall, subject to Section 21684, credit to each public entity subaccount an amount which is equal to the total amount of money in the Aeronautics Account multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which credit is required to be made pursuant to subdivision (b) bear to the total number of airports for which credit is required to be made pursuant to subdivision (b).

(d) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct these activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

(e) The department shall adopt rules and regulations and establish procedures to effect prompt payment to public entities for eligible airport projects from money credited pursuant to this section.

Payment of Aviation Share of Comprehensive Transportation Planning Costs

21682.5. The department shall pay, from the Aeronautics Account to the Transportation Planning and Development Account in the State Transportation Fund, a sum equal to the pro rata share of the comprehensive transportation duties attributable to aviation planning and research, as determined by the Director of Transportation.

Use of Balance

21683. Any public entity may apply to the department each year for the allocation of funds for the acquisition or development of airports. The commission may, pursuant to rules and regulations promulgated by the department, make an allocation to the public entity if it determines that the proposed acquisition or development is feasible and in accordance with the policies and standards established by the department. The department shall make recommendations to the commission on all applications. Such allocations shall be represented as subventions in the department budget in accordance with Section 21206.

No moneys paid under this section shall be expended for operation and maintenance. No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

Use of Funds for Local Match for Federal Airport Improvement Program Grants

21683.1. (a) At the discretion of the commission, any balance remaining in the Aeronautics Account, after the payments made under Section 21682, may be used to provide a portion of the local match for federal Airport Improvement Program grants. Matching shall be provided only for grants at general aviation airports, or at airports that have been designated by the Federal Aviation Administration as reliever airports, as defined in Section 503(a)(19) of the federal Airport and Airway Improvement Act of 1982, as amended.

(b) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may pay a public entity an amount equal to 5 percent of the amount of a federal Airport Improvement Program grant. These funds are excluded from the requirements of Section 21684.

(c) Funds shall not be allocated by the commission until the federal grant offer is accepted by the public entity. Upon allocation by the commission, the department may, until December 31, 2006, pay a public entity an amount equal to the 10 percent local match required for a federal Airport Improvement Program grant for security projects at small general aviation airports. For purposes of this section, a "security project" means a project to install or maintain fencing, gates, security lighting, access controls systems, and surveillance systems. For purposes of this section a "small general aviation airport" means an airport with fewer than 80,000 annual landings and take-offs of aircraft.

Use of Balance in Aeronautics Account

21683.2. Any balance remaining in the Aeronautics Account, after the payments made under Section 21682 and Section 21683.1, shall be used at the discretion of the commission for airport and aviation purposes subject to the provisions of Section 21684.

Special Aviation Fund

21684. (a) No payment shall be made to a public entity pursuant to this article unless the public entity has established a special aviation fund in which all payments received by a public entity under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public entity for a project pursuant to Section 21683.2 unless the public entity deposits in its special aviation fund a sum from other than state or federal sources, established annually by the commission at not less than 10 percent nor more than 50 percent of the nonfederal portion of the project.

Notwithstanding the provisions of this subdivision requiring matching funds, the department shall pay to each public entity owning and operating an airport or airports the annual amount that is in accordance with Section 21682.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21683.2 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds based on the rate established annually by the commission pursuant to subdivision (a), or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum based on the rate established annually by the commission pursuant to subdivision (a). However, any sums so deposited by the university or paid by the city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

Use of Balance of Fund to Purchase Emergency Search and Rescue Equipment

21684.1. Notwithstanding the provisions of Section 21683, any balance remaining in the fund after the payments made under Section 21682 may be used by the department to purchase emergency search and rescue equipment and to make such equipment available for use by recognized search and rescue groups. The equipment shall remain the property of the department. No more than eight thousand dollars (\$8,000) shall be expended pursuant to this section for the purchase of emergency search and rescue equipment.

Allocation of Funds for Construction of Airports

21684.5. Notwithstanding the provisions of this article inasmuch as they require matching funds the department may allocate funds to public agencies for the construction of airports.

Allocation of Funds to Counties

21684.6. Notwithstanding the provisions of this article, inasmuch as they require matching funds, the department may allocate funds to a county or a city for the construction of recreational airports or reliever training airstrips in accordance with regulations of the department if the county or city supplies the land and maintains and operates all facilities of such airport or airstrip.

Special Aviation Fund; Payments to State College or University Branch

21685. Any public entity may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the public entity may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public entity paying the money.

Audit of Books and Records of Public Agencies

21686. It shall be the duty of any public entity receiving payments or allocations under this article to periodically audit its books and records as deemed necessary by the department for the purpose of determining that the money received has been expended for the purposes and under the conditions authorized by this article.

Airports No Longer Open to the General Public; Payments to State

21687. (a) (1) If an airport, for which payments have been made from the Aeronautics Account, ceases to be open to the general public for more than one year, the public entity to which those payments were made shall pay to the state funds equal to the amount computed by the department pursuant to paragraph (2), and those funds shall be deposited in the Aeronautics Account.

(2) (A) The department shall compute an amount equal to the total of all payments made for the airport from the Aeronautics Account during the preceding 20 years, less 5 percent of the amount of a particular payment multiplied by the number of years since the payment was made, or the unused balance, whichever is greater.

(B) The computation described in subparagraph (A) shall not include any payment the department made pursuant to Section 21682, if, upon the request of the public entity that owns and operates the airport, the department determines that the airport is not necessary to the system of public airports in this state. When making this determination, the department shall consider all of the following factors:

- (i) Whether the airport is approved for night operations.
 - (ii) Whether the airport has an approved instrument approach procedure.
 - (iii) How many aircraft are based at the airport.
 - (iv) Whether the airport is used for airborne fire attacks.
 - (v) Whether the airport is used for emergency medical transportation.
 - (vi) What services the airport provides for the community.
 - (vii) The size of the community that is served by the airport.
 - (viii) Whether any aviation or transportation planning agency has designated the airport as having a significant role.
 - (ix) Whether a suitable, public-use airport is situated within a reasonable distance.
 - (x) Whether closure of the airport will have a negative effect on other airports.
 - (xi) Whether the airport is used for law enforcement purposes.
- (b) This section does not apply to either of the following:
- (1) An airport that is replaced by a comparable facility, as determined by the department, within a period of one year.

(2) An airport for which the department, on or after January 1, 1981, has suspended the airport permit and for which payments made pursuant to this article are being expended to correct the deficiency or condition that resulted in the suspension of the airport's permit.

Limitation on Expenditure of Funds

21688. (a) No payments shall be made from the Aeronautics Account for expenditure on any airport or for the acquisition or development of any airport, if the department determines that the height restrictions around the airport are inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards.

Height restrictions shall be considered adequate if as a minimum they meet the obstruction standards of subchapter C of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, as these standards apply to civil airport imaginary surfaces related to runways.

The airport-owning entity shall have sufficient control over obstructions in the airspace in the vicinity of the airport to assure that height restrictions can be maintained. This control may be in the form of ownership of any land from which obstructions may rise, air navigation easements to guarantee maintenance of restrictions, or height limitation or land use zoning which will prohibit obstructions which would violate the obstruction standards.

(b) This section shall not prevent or prohibit the department from assisting any public agency or public entity in planning airport development or in planning the zoning needs around an airport.

Article 4.5. Airport Facilities and Concessions

Legislative Findings

21690.5. The Legislature finds and declares as follows:

(a) The proper operation of California's publicly owned or operated airports is essential to the welfare of the state and its people.

(b) California's publicly owned or operated airports establish a vital transportation link between the state and the economic systems of the nation and the world, and enable the state to enjoy and provide the benefits of an international tourist and commercial center.

(c) The economic validity and stability of California's publicly owned or operated airports is, consequently, a matter of statewide importance.

(d) The policy of this state is to promote the development of commerce and tourism to the end of securing to the people of this state the benefits of these activities conducted in the state.

(e) Therefore, since the proper operation of the state's publicly owned or operated airports is essential to the welfare of the state and its people, the Legislature recognizes and affirms such operation as a governmental function

to be discharged in furtherance of the policy of securing the benefits of commerce and tourism for the state and its people.

Scope of Law

21690.6. The provisions of this article shall apply to any airport owned or operated by a political subdivision, including a charter city.

Promotion of Commerce and Tourism

21690.7. The governing bodies of publicly owned or operated airports shall manage airport facilities and grant airport concessions in furtherance of the development of commerce and tourism in or affecting the state. In managing facilities and granting concessions for services to the public, such airport governing bodies shall promote the development of commerce and tourism by (a) securing a diversity of airport services; (b) avoiding wasteful duplication of such services; (c) securing to the users of airports safe, courteous, and quality service; (d) limiting or prohibiting business competition which is destructive of the ends of promoting commerce and tourism in the state; (e) allocating limited airport resources to promote such ends; and (f) fostering California's image as a commercial and tourist center.

Exclusive Agreements

21690.8. The Legislature recognizes that to further the policies and fulfill the objectives stated in this article, it is often necessary that publicly owned or operated airports enter into exclusive or limited agreements with a single operator or a limited number of operators. The governing bodies of publicly owned or operated airports shall grant exclusive or limited agreements to displace business competition with regulation or monopoly service whenever the governing body determines, in consideration of the factors set forth in Section 21690.9, that such agreements are necessary to further the policies and to fulfill the objectives stated in this article. The Legislature contemplates that publicly owned or operated airports will grant exclusive or limited agreements in furtherance of the policy of this state to displace business competition by exclusive or limited agreements to fulfill these policies and objectives.

Determination of Necessity

21690.9. Before entering any exclusive or limited agreement in connection with the management of any airport facility or the operation of any airport concession, the governing body of a publicly owned or operated airport shall, under authority hereby expressly delegated by the state, determine the necessity for an exclusive or limited agreement. The governing body shall consider the following factors to determine the necessity for an exclusive or limited agreement to further the policies and objectives stated in this article:

- (a) Public safety.
- (b) Public convenience.
- (c) Quality of service.
- (d) The need to conserve airport space.
- (e) The need to avoid duplication of services.
- (f) The impact on the environment or facilities of the airport as an essential commercial and tourist service center.
- (g) The need to avoid destructive competition which may impair the quality of airport services to the public, lead to uncertainty, disruption, or instability in the rendering of such services, or detract from the state's attractiveness as a center of tourism and commerce.

In making its determination, the airport operator shall not be required to take evidence or to make findings of fact.

Compliance with Other States

21690.10. Nothing in this article shall excuse any local agency from complying with applicable state or local requirements for competitive bidding or public hearings which may be required prior to the awarding or entering into of any bid, agreement or lease.

Article 5. Los Angeles International Airport Relocation and Development

Legislative Findings

21690.20. The Legislature hereby finds that Los Angeles International Airport is one of the important air terminals of the world, making a significant contribution daily to the economy of California.

Since 1959, jet air traffic at the airport has increased from 80 flights daily to nearly 1,000 daily. This increasing air traffic and necessary expansion of airport facilities has had an adverse affect on the residents of the surrounding

areas. Expansion and development has and is expected to require the acquisition of many homes in the vicinity of the airport and has rendered other homes in areas subjected to aircraft noise nearly uninhabitable. Property owners in the vicinity of the airport are either unable to sell their homes or able to sell only at depressed market prices. Under present laws, the Department of Airports of the City of Los Angeles is required only to pay homeowners "fair market value" for their property. With increasing property costs and current high interest rates, it is impossible for a homeowner to purchase a comparable dwelling in a comparable residential area for amounts now being paid as "fair market value."

The City Council of the City of Los Angeles has initiated this legislation to enable the city to (1) assist displaced homeowners to relocate in comparable residential areas and housing, (2) provide, where available, replacement housing acceptable to affected homeowners, and (3) purchase affected homes to compensate homeowners for the depressed values of their property.

There is precedent for the provision of replacement housing, where available, in Chapter 953 of the Statutes of 1968, by which the Department of Public Works is authorized to provide relocation assistance and replacement housing to certain individuals and families displaced because of construction of certain state highway projects. Further, there is precedent for relocation payments to compensate certain homeowners in Public Law 90-495 and in Chapter 3 of the Statutes of 1968, First Extraordinary Session.

Definitions

21690.21. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

- (a) "Airport" means Los Angeles International Airport.
- (b) "Department" means the Department of Airports, City of Los Angeles.
- (c) "Mayor" means the Mayor of the City of Los Angeles.
- (d) "Board" means the Los Angeles International Airport Property Acquisition Board.

Authority of Department

21690.22. Notwithstanding any other provision of law, the department is authorized to:

- (a) Assist homeowners displaced by the expansion of the airport to relocate in comparable residential areas and housing.
- (b) Provide, where available, replacement housing acceptable to affected homeowners.
- (c) Purchase affected property to compensate homeowners for the depressed values of their property as a result of the proximity of the airport to enable such homeowners to purchase comparable housing under more normal market conditions.

Expenditure of Available Funds

21690.23. The department is authorized to expend any available funds, including state and federal funds, for the purpose of purchasing homes from homeowners displaced by the expansion of the airport and relocating or providing suitable replacement housing for such persons, notwithstanding any other provision of law.

Petition for Payment of Additional Compensation

21690.24. Upon establishment of a program for additional payments to homeowners by the department pursuant to this article, the affected property owners may petition as provided in Section 21690.26 for the payment of additional compensation for the depressed value of the affected property resulting from the presence and operation of the airport, provided that such owner has not previously recovered any sums in the nature of an inverse condemnation award by reason of the presence and operation of the airport.

Appointment of Board

21690.25. Upon establishment by the department of a program for such additional compensation, the mayor shall appoint, subject to the approval of the city council, five persons who shall constitute the board.

Tenure of Board; Quorum; Duties

21690.26. The members of the board shall serve at the pleasure of the mayor, and any action taken by a majority thereof shall constitute the action of the board. The board shall hear petitions from homeowners dislocated by reason of airport expansion and operations for amounts to be paid in excess of market value of affected property. The board shall establish procedures for the conduct of its business.

Payment of Awards

21690.27. The Board of Airport Commissioners of the City of Los Angeles is directed to pay any sum awarded by the board pursuant to Section 21690.26.

Persons Eligible; Time for Filing Petition; Time for Payment

21690.28. The provisions of this article are available only to persons who own residential property which has been or is being condemned or sold for airport purposes. Petitions for additional compensation may be filed with the board at the same time that condemnation proceedings or acquisition negotiations are initiated; and the board shall pay any sum awarded pursuant to Section 21690.26 within 60 days after condemnation or other acquisition proceedings are completed.

Partial Invalidity

21690.29. If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Chapter 5. Proceedings

Investigation, Inquiries, and Hearings

21692. The department, any member, the director, or any officer or employee of the department designated by it may hold investigations, inquiries, and hearings concerning matters covered by this part and the rules and orders of the department, and concerning accidents in aeronautics within this state. Hearings shall be open to the public and, except as provided in Section 21691, shall be held upon such call or notice as the department deems advisable. Each member of the department, the director, and every officer or employee of the department designated by it to hold any inquiry, investigation, or hearing may administer oaths and affirmations, certify to all official acts, issue subpoenas, and order the attendance and testimony of witnesses and the production of papers, books, and documents. If any person fails to comply with any subpoenas or order issued under the authority of this section, the department or its authorized representative may invoke the aid of any court of general jurisdiction. The court may order such person to comply with the requirements of the subpoena or order to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as contempt.

Reports of Investigations and Hearings

21693. In order to facilitate the making of investigations by the department in the interest of public safety and promotion of aeronautics, the reports of investigations or hearings or any part of the reports, shall not be admitted in evidence or used for any purpose in any suit, action, or proceeding growing out of any matter referred to in the investigation, hearing, or report, except in case of any suit, action, or proceeding, civil or criminal, instituted by or in behalf of the department or in the name of the state under the provisions of this part or other laws of the state relating to aeronautics. Any member of the department, the director, or any officer or employee of the department shall not be required to testify to any facts ascertained in, or information gained by reason of, his official capacity, nor be required to testify as an expert witness in any suit, action, or proceeding involving any aircraft. Subject to these limitations, the department may make available to appropriate federal, state, and political subdivision agencies information and material developed in the course of its investigations and hearings.

Orders of Department; Contents; Service; Review

21694. Every order of the department requiring performance of certain acts or compliance with certain requirements shall set forth the reasons, state the acts to be done or requirements to be met, and be served upon the person affected either by registered mail or in person. Any person aggrieved by an order of the department may have the action of the department reviewed by the courts in the manner provided by law.

Chapter 6. Airport Planning

California Aviation System Plan

21701. The division, in consultation with transportation planning agencies as designated by the director pursuant to Section 29532 of the Government Code, shall prepare a California Aviation System Plan, which shall include, but not be limited to, every California airport designated in the federal National Plan of Integrated Airport Systems and any other existing or proposed public use airports, as designated by the division.

Elements in Plan

21702. The California Aviation System Plan shall include, but not be limited to, all of the following elements:

(a) A background and introduction element, which summarizes aviation activity in California and establishes goals and objectives for aviation improvement.

(b) An air transportation issues element, which addresses issues such as aviation safety, airport noise, airport ground access, transportation systems management, airport financing, airport land use compatibility planning, and institutional relationships.

(c) A regional plan alternative element, which consists of the aviation elements of the regional transportation plans prepared by each transportation planning agency. This element shall include consideration of regional air transportation matters relating to growth, capacity needs, county activity, airport activity, and systemwide activity in order to evaluate adequately the overall impacts of regional activity in relation to the statewide air transportation system. This element shall propose general aviation and air carrier public use airports for consideration by the commission for funding eligibility under this chapter.

(d) A state plan alternative element, which includes consideration of statewide air transportation matters relating to growth, including, but not limited to, county activity, airport activity, and systemwide activity in order to evaluate adequately the state aviation system and to designate an adequate number of general aviation and air carrier public use airports for state funding in order to provide a level of air service and safety acceptable to the public.

(e) A comparative element, which compares and contrasts the regional plan alternative with the state plan alternative, including, but not limited to, airport noise, air quality, toxic waste cleanup, energy, economics, and passengers served.

(f) A 10-year capital improvement plan for each airport, based on each airport's adopted master plan if the airport has a master plan, approved by the applicable transportation planning agency, and submitted to the division for inclusion in the California Aviation System Plan.

(g) Any other element deemed appropriate by the division and the transportation planning agencies.

(h) A summary and conclusion element, which presents the findings and recommended course of action.

Submittal to Commission

21703. The division shall submit the California Aviation System Plan to the commission.

Periodic Revision of Plan

21704. The division, in consultation with the transportation planning agencies, shall biennially revise the capital improvement plan developed pursuant to subdivision (f) of Section 21702, and the division shall submit the revised capital improvement plan to the commission. The division, in consultation with the transportation planning agencies, shall revise all other elements of the California Aviation System Plan every five years, and shall submit the revised system plan to the commission.

Adoption of Revisions by Commission

21705. The commission shall review, hold public hearings on, and, based on these hearings, adopt or revise and adopt as revised, the California Aviation System Plan and its subsequent revisions.

Project Funding Applications

21706. The division shall require that every project submitted for funding from the Aeronautics Account in the State Transportation Fund shall be consistent with the California Aviation System Plan. Applications for funding shall be processed in accordance with the procedures adopted by the commission. In determining the priorities of projects, the division shall, and the transportation planning agencies may, utilize the methodology adopted by the commission for determining the priorities of projects that the commission selects for allocation pursuant to Sections 21683 and 21683.2 and the procedures adopted by the commission.

Federal Grant Funds

21707. Any funds necessary to carry out Sections 21701, 21702, and 21704 shall be obtained from federal grants, except for updates of the capital improvement plan and policy elements of the California Aviation System Plan, which may be funded from nonfederal sources.

FAR PART 77 -- SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE

Subpart A--General

Sec.

77.1 Purpose.

77.3 Definitions.

Subpart B--Notice Requirements

77.5 Applicability.

77.7 Form and time of notice.

77.9 Construction or alteration requiring notice.

77.11 Supplemental notice requirements.

Subpart C--Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

77.13 Applicability.

77.15 Scope.

77.17 Obstruction standards.

77.19 Civil airport imaginary surfaces.

77.21 Department of Defense (DOD) airport imaginary surfaces.

77.23 Heliport imaginary surfaces.

Subpart D--Aeronautical Studies and Determinations

77.25 Applicability.

77.27 Initiation of studies.

77.29 Evaluating aeronautical effect.

77.31 Determinations.

77.33 Effective period of determinations.

77.35 Extensions, terminations, revisions and corrections.

Subpart E--Petitions for Discretionary Review

77.37 General.

77.39 Contents of a petition.

77.41 Discretionary review results.

Authority: 49 U.S.C. 106 (g), 40103, 40113-40114, 44502, 44701, 44718, 46101-46102, 46104.

Subpart A--General

Sec. 77.1 Purpose.

This part establishes:

(a) The requirements to provide notice to the FAA of certain proposed construction, or the alteration of existing structures;

(b) The standards used to determine obstructions to air navigation, and navigational and communication facilities;

(c) The process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment; and

(d) The process to petition the FAA for discretionary review of determinations, revisions, and extensions of determinations.

Sec. 77.3 Definitions.

For the purpose of this part:

Non-precision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

Planned or proposed airport is an airport that is the subject of at least one of the following documents received by the FAA:

- (1) Airport proposals submitted under 14 CFR part 157.
- (2) Airport Improvement Program requests for aid.
- (3) Notices of existing airports where prior notice of the airport construction or alteration was not provided as required by 14 CFR part 157.
- (4) Airport layout plans.
- (5) DOD proposals for airports used only by the U.S. Armed Forces.
- (6) DOD proposals on joint-use (civil-military) airports.
- (7) Completed airport site selection feasibility study.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

Public use airport is an airport available for use by the general public without a requirement for prior approval of the airport owner or operator.

Seaplane base is considered to be an airport only if its sea lanes are outlined by visual markers.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means 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, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Subpart B--Notice Requirements

Sec. 77.5 Applicability.

(a) If you propose any construction or alteration described in Sec. 77.9, you must provide adequate notice to the FAA of that construction or alteration.

(b) If requested by the FAA, you must also file supplemental notice before the start date and upon completion of certain construction or alterations that are described in Sec. 77.9.

(c) Notice received by the FAA under this subpart is used to:

- (1) Evaluate the effect of the proposed construction or alteration on safety in air commerce and the efficient use and preservation of the navigable airspace and of airport traffic capacity at public use airports;
- (2) Determine whether the effect of proposed construction or alteration is a hazard to air navigation;
- (3) Determine appropriate marking and lighting recommendations, using FAA Advisory Circular 70/7460-1, Obstruction Marking and Lighting;
- (4) Determine other appropriate measures to be applied for continued safety of air navigation; and
- (5) Notify the aviation community of the construction or alteration of objects that affect the navigable airspace, including the revision of charts, when necessary.

Sec. 77.7 Form and time of notice.

(a) If you are required to file notice under Sec. 77.9, you must submit to the FAA a completed FAA Form 7460-1, Notice of Proposed Construction or Alteration. FAA Form 7460-1 is available at FAA regional offices and on the Internet.

(b) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

(c) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.

(d) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.

(e) The 45-day advance notice requirement is waived if immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.

Sec. 77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

- (a) Any construction or alteration that is more than 200 ft. AGL at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.
- (d) Any construction or alteration on any of the following airports and heliports:
 - (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
 - (2) A military airport under construction, or an airport under construction that will be available for public use;
 - (3) An airport operated by a Federal agency or the DOD.
 - (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
- (e) You do not need to file notice for construction or alteration of:
 - (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;
 - (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
 - (3) Any construction or alteration for which notice is required by any other FAA regulation.
 - (4) Any antenna structure of 20 feet or less in height, except one that would increase the height of another antenna structure.

Sec. 77.11 Supplemental notice requirements.

- (a) You must file supplemental notice with the FAA when:
 - (1) The construction or alteration is more than 200 feet in height AGL at its site; or
 - (2) Requested by the FAA.
- (b) You must file supplemental notice on a prescribed FAA form to be received within the time limits specified in the FAA determination. If no time limit has been specified, you must submit supplemental notice of construction to the FAA within 5 days after the structure reaches its greatest height.
- (c) If you abandon a construction or alteration proposal that requires supplemental notice, you must submit notice to the FAA within 5 days after the project is abandoned.

(d) If the construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

Subpart C--Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities

Sec. 77.13 Applicability.

This subpart describes the standards used for determining obstructions to air navigation, navigational aids, or navigational facilities. These standards apply to the following:

(a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus.

(b) The alteration of any permanent or temporary existing structure by a change in its height, including appurtenances, or lateral dimensions, including equipment or material used therein.

Sec. 77.15 Scope.

(a) This subpart describes standards used to determine obstructions to air navigation that may affect the safe and efficient use of navigable airspace and the operation of planned or existing air navigation and communication facilities. Such facilities include air navigation aids, communication equipment, airports, Federal airways, instrument approach or departure procedures, and approved off-airway routes.

(b) Objects that are considered obstructions under the standards described in this subpart are presumed hazards to air navigation unless further aeronautical study concludes that the object is not a hazard. Once further aeronautical study has been initiated, the FAA will use the standards in this subpart, along with FAA policy and guidance material, to determine if the object is a hazard to air navigation.

(c) The FAA will apply these standards with reference to an existing airport facility, and airport proposals received by the FAA, or the appropriate military service, before it issues a final determination.

(d) For airports having defined runways with specially prepared hard surfaces, the primary surface for each runway extends 200 feet beyond each end of the runway. For airports having defined strips or pathways used regularly for aircraft takeoffs and landings, and designated runways, without specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for aircraft takeoffs and landings, a determination must be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those determined pathways must be considered runways, and an appropriate primary surface as defined in Sec. 77.19 will be considered as longitudinally centered on each such runway. Each end of that primary surface must coincide with the corresponding end of that runway.

(e) The standards in this subpart apply to construction or alteration proposals on an airport (including heliports and seaplane bases with marked lanes) if that airport is one of the following before the issuance of the final determination:

(1) Available for public use and is listed in the Airport/Facility Directory, Supplement Alaska, or Supplement Pacific of the U.S. Government Flight Information Publications; or

(2) A planned or proposed airport or an airport under construction of which the FAA has received actual notice, except DOD airports, where there is a clear indication the airport will be available for public use; or,

(3) An airport operated by a Federal agency or the DOD; or,

(4) An airport that has at least one FAA-approved instrument approach.

Sec. 77.17 Obstruction standards.

(a) An existing object, including a mobile object, is, and a future object would be an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:

(1) A height of 499 feet AGL at the site of the object.

(2) A height that is 200 feet AGL, or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.

(3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any

point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.

(4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal Airway or approved off-airway route, that would increase the minimum obstacle clearance altitude.

(5) The surface of a takeoff and landing area of an airport or any imaginary surface established under Sec. 77.19, 77.21, or 77.23. However, no part of the takeoff or landing area itself will be considered an obstruction.

(b) Except for traverse ways on or near an airport with an operative ground traffic control service furnished by an airport traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

(1) 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.

(2) 15 feet for any other public roadway.

(3) 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.

(4) 23 feet for a railroad.

(5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

Sec. 77.19 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

(a) *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) *Conical surface.* A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) *Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

(3) For other than utility runways, the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) *Approach surface.* A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

- (i) 1,250 feet for that end of a utility runway with only visual approaches;
- (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
- (iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
- (iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
- (v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
- (vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

- (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
- (ii) 10,000 feet at a slope of 34 to 1 for all non-precision instrument runways other than utility; and
- (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

Sec. 77.21 Department of Defense (DOD) airport imaginary surfaces.

(a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section, a military airport is any airport operated by the DOD.

(1) *Inner horizontal surface.* A plane that is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.

(2) *Conical surface.* A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.

(3) *Outer horizontal surface.* A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.

(b) *Related to runways.* These surfaces apply to all military airports.

(1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000-foot width may be reduced to the former criteria.

(2) *Clear zone surface.* A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.

(3) *Approach clearance surface.* An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

(4) *Transitional surfaces.* These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

Sec. 77.23 Heliport imaginary surfaces.

(a) Primary surface. The area of the primary surface coincides in size and shape with the designated take-off and landing area. This surface is a horizontal plane at the elevation of the established heliport elevation.

(b) Approach surface. The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

(c) Transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D--Aeronautical Studies and Determinations**Sec. 77.25 Applicability.**

(a) This subpart applies to any aeronautical study of a proposed construction or alteration for which notice to the FAA is required under Sec. 77.9.

(b) The purpose of an aeronautical study is to determine whether the aeronautical effects of the specific proposal and, where appropriate, the cumulative impact resulting from the proposed construction or alteration when combined with the effects of other existing or proposed structures, would constitute a hazard to air navigation.

(c) The obstruction standards in subpart C of this part are supplemented by other manuals and directives used in determining the effect on the navigable airspace of a proposed construction or alteration. When the FAA needs additional information, it may circulate a study to interested parties for comment.

Sec. 77.27 Initiation of studies.

The FAA will conduct an aeronautical study when:

- (a) Requested by the sponsor of any proposed construction or alteration for which a notice is submitted; or
- (b) The FAA determines a study is necessary.

Sec. 77.29 Evaluating aeronautical effect.

(a) The FAA conducts an aeronautical study to determine the impact of a proposed structure, an existing structure that has not yet been studied by the FAA, or an alteration of an existing structure on aeronautical operations, procedures, and the safety of flight. These studies include evaluating:

- (1) The impact on arrival, departure, and en route procedures for aircraft operating under visual flight rules;
- (2) The impact on arrival, departure, and en route procedures for aircraft operating under instrument flight rules;
- (3) The impact on existing and planned public use airports;
- (4) Airport traffic capacity of existing public use airports and public use airport development plans received before the issuance of the final determination;
- (5) Minimum obstacle clearance altitudes, minimum instrument flight rules altitudes, approved or planned instrument approach procedures, and departure procedures;
- (6) The potential effect on ATC radar, direction finders, ATC tower line-of-sight visibility, and physical or electromagnetic effects on air navigation, communication facilities, and other surveillance systems;
- (7) The aeronautical effects resulting from the cumulative impact of a proposed construction or alteration of a structure when combined with the effects of other existing or proposed structures.

(b) If you withdraw the proposed construction or alteration or revise it so that it is no longer identified as an obstruction, or if no further aeronautical study is necessary, the FAA may terminate the study.

Sec. 77.31 Determinations.

(a) The FAA will issue a determination stating whether the proposed construction or alteration would be a hazard to air navigation, and will advise all known interested persons.

(b) The FAA will make determinations based on the aeronautical study findings and will identify the following:

(1) The effects on VFR/IFR aeronautical departure/arrival operations, air traffic procedures, minimum flight altitudes, and existing, planned, or proposed airports listed in Sec. 77.15(e) of which the FAA has received actual notice prior to issuance of a final determination.

(2) The extent of the physical and/or electromagnetic effect on the operation of existing or proposed air navigation facilities, communication aids, or surveillance systems.

(c) The FAA will issue a Determination of Hazard to Air Navigation when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard and would have a substantial aeronautical impact.

(d) A Determination of No Hazard to Air Navigation will be issued when the aeronautical study concludes that the proposed construction or alteration will exceed an obstruction standard but would not have a substantial aeronautical impact to air navigation. A Determination of No Hazard to Air Navigation may include the following:

(1) Conditional provisions of a determination.

(2) Limitations necessary to minimize potential problems, such as the use of temporary construction equipment.

(3) Supplemental notice requirements, when required.

(4) Marking and lighting recommendations, as appropriate.

(e) The FAA will issue a Determination of No Hazard to Air Navigation when a proposed structure does not exceed any of the obstruction standards and would not be a hazard to air navigation.

Sec. 77.33 Effective period of determinations.

(a) A determination issued under this subpart is effective 40 days after the date of issuance, unless a petition for discretionary review is received by the FAA within 30 days after issuance. The determination will not become final pending disposition of a petition for discretionary review.

(b) Unless extended, revised, or terminated, each Determination of No Hazard to Air Navigation issued under this subpart expires 18 months after the effective date of the determination, or on the date the proposed construction or alteration is abandoned, whichever is earlier.

(c) A Determination of Hazard to Air Navigation has no expiration date.

Sec. 77.35 Extensions, terminations, revisions and corrections.

(a) You may petition the FAA official that issued the Determination of No Hazard to Air Navigation to revise or reconsider the determination based on new facts or to extend the effective period of the determination, provided that:

(1) Actual structural work of the proposed construction or alteration, such as the laying of a foundation, but not including excavation, has not been started; and

(2) The petition is submitted at least 15 days before the expiration date of the Determination of No Hazard to Air Navigation.

(b) A Determination of No Hazard to Air Navigation issued for those construction or alteration proposals not requiring an FCC construction permit may be extended by the FAA one time for a period not to exceed 18 months.

(c) A Determination of No Hazard to Air Navigation issued for a proposal requiring an FCC construction permit may be granted extensions for up to 18 months, provided that:

(1) You submit evidence that an application for a construction permit/license was filed with the FCC for the associated site within 6 months of issuance of the determination; and

(2) You submit evidence that additional time is warranted because of FCC requirements; and

(3) Where the FCC issues a construction permit, a final Determination of No Hazard to Air Navigation is effective until the date prescribed by the FCC for completion of the construction. If an extension of the original FCC completion date is needed, an extension of the FAA determination must be requested from the Obstruction Evaluation Service (OES).

(4) If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.

Subpart E--Petitions for Discretionary Review

Sec. 77.37 General.

(a) If you are the sponsor, provided a substantive aeronautical comment on a proposal in an aeronautical study, or have a substantive aeronautical comment on the proposal but were not given an opportunity to state it, you may petition the FAA for a discretionary review of a determination, revision, or extension of a determination issued by the FAA.

(b) You may not file a petition for discretionary review for a Determination of No Hazard that is issued for a temporary structure, marking and lighting recommendation, or when a proposed structure or alteration does not exceed obstruction standards contained in subpart C of this part.

Sec. 77.39 Contents of a petition.

(a) You must file a petition for discretionary review in writing and it must be received by the FAA within 30 days after the issuance of a determination under Sec. 77.31, or a revision or extension of the determination under Sec. 77.35.

(b) The petition must contain a full statement of the aeronautical basis on which the petition is made, and must include new information or facts not previously considered or presented during the aeronautical study, including valid aeronautical reasons why the determination, revisions, or extension made by the FAA should be reviewed.

(c) In the event that the last day of the 30-day filing period falls on a weekend or a day the Federal government is closed, the last day of the filing period is the next day that the government is open.

(d) The FAA will inform the petitioner or sponsor (if other than the petitioner) and the FCC (whenever an FCC-related proposal is involved) of the filing of the petition and that the determination is not final pending disposition of the petition.

Sec. 77.41 Discretionary review results.

(a) If discretionary review is granted, the FAA will inform the petitioner and the sponsor (if other than the petitioner) of the issues to be studied and reviewed. The review may include a request for comments and a review of all records from the initial aeronautical study.

(b) If discretionary review is denied, the FAA will notify the petitioner and the sponsor (if other than the petitioner), and the FCC, whenever a FCC-related proposal is involved, of the basis for the denial along with a statement that the determination is final.

(c) After concluding the discretionary review process, the FAA will revise, affirm, or reverse the determination.

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NUMBER 2016-015

A RESOLUTION DESIGNATING THE DEL NORTE COUNTY PLANNING COMMISSION AS THE LAND USE PLANNING BODY FOR JACK MCNAMARA FIELD AIRPORT, WARD FIELD, AND ANDY MCBETH AIRPORT

WHEREAS, Section 21670 of the California Public Utilities Code requires Del Norte County to establish an airport land use commission or other appropriately designated body to assume the responsibilities of a commission; and

WHEREAS, an airport land use commission is a governmental body responsible for planning for the orderly growth of the area surrounding airports and safeguarding the general welfare of the inhabitants within the vicinity of airports and the public in general; and

WHEREAS, Section 216709(c) of the Public Utilities Code permits public officers, whether elected or appointed, to serve as members of the airport land use commission during their terms of public office; and

WHEREAS, Section 21670.1(b) permits a governmental body 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; and

WHEREAS, members of the Del Norte County Board of Supervisors has determined pursuant to Section 21670.1 of the Public Utilities Code that proper land use planning can be accomplished through the actions of the Del Norte County Planning Commission and designates the Planning Commission when augmented by two members of the Border Coast Regional Airport Authority to assume the planning responsibilities of an airport land use commission; and

WHEREAS, commissioners and staff of the Border Coast Regional Airport Authority have “expertise in aviation” as defined by Section 21670(e) of the Public Utilities Code; and

NOW, THEREFORE, BE IT RESOLVED, the Del Norte County Board of Supervisors hereby designates the Del Norte County Planning Commission, when augmented by two representatives of the Border Coast Regional Airport Authority, as an appropriately designated body to assume the responsibilities of an airport land use commission and hereby assigns the

authorities and responsibilities of an airport land use commission as set forth in Sections 21670 to 21679.5 of the California Public Utilities Code.

PASSED AND ADOPTED by the Del Norte County Board of Supervisors on this 24th day of May, 2016.

AYES: Supervisor Gitlin, Finigan, Hemmingsen, McClure, Howard

NOES: None

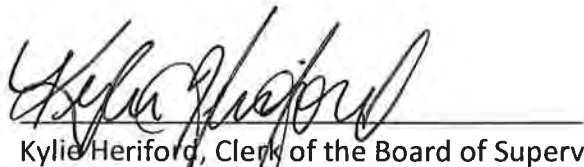
ABSTAIN: None

ABSENT: None



Gerry Hemmingsen, Chair
Del Norte County Board of Supervisors

ATTEST:



Kylie Heriford, Clerk of the Board of Supervisors
County of Del Norte, State of California



May 16, 2016

Gerry Hemmingsen, Chairman
Del Norte County Board of Supervisors
981 H Street, Suite 200
Crescent City, CA 95531

Re: Designation of Del Norte County Planning Commission for Airport Land Use Commission

Dear Mr. Hemmingsen,

At its regularly scheduled meeting of May 16, 2016 the City Council of the City of Crescent City voted to support the designation of the Del Norte County Planning Commission as the Airport Land Use Commission with two additional members with aviation expertise to properly accomplish land use planning and responsibilities of an Airport Land Use Commission for the Jack McNamara Field Airport and that a commission need not be formed pursuant to Public Utilities Code Section 21670.1(a). It is our understanding that when serving as the designated body for ALUC functions the Planning Commission will comply with all the duties and responsibilities of an ALUC as stated in the State Aeronautics Act, and further follow all federal statutes, state statutes and regulations as it pertains to an ALUC.

I understand that the city selection committee of mayors in the county must make this determination in conjunction with the County Board of Supervisors. As the only incorporated city in Del Norte County and the only Mayor in the County please consider this letter official confirmation that I, acting under the authority and direction of the City Council, support the County's proposal to designate the Del Norte County Planning Commission with two members with aviation expertise as the body for ALUC planning purposes.

I appreciate the opportunity to provide input on this designated body option. Should you require further information please contact me.

Sincerely,

Ron Gastineau, Mayor

CC: Tony Sordello, Caltrans Division of Aeronautics, Office of Aviation Planning
Joel Campbell-Blair, Deputy Del Norte County Counsel
Matthew Leitner, Airport Manager, BCRAA
Randy Hooper, Assistant Director of Del Norte County Community Development Department

ATTACHMENT A

DEL NORTE COUNTY PLANNING COMMISSION/AIRPORT LAND USE COMMISSION

RESOLUTION NUMBER 2017- 001

A RESOLUTION ADOPTING DEL NORTE COUNTY'S 2017 AIRPORT LAND USE COMPATABILITY PLAN AND ACCOMPANYING NEGATIVE DECLARATION

WHEREAS, the California Public Utilities Code (PUC) states that the purpose of an Airport Land Use Commission (ALUC) is to conduct airport land use compatibility planning. ALUC's 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;

WHEREAS, the state law governing creation of ALUC's applies to every county in California having an airport "operated for the benefit of the general public" (PUC §21670(b));

WHEREAS, state law stipulates that if the Board of Supervisors and the Mayors' Committee in a County each determine that another body can accomplish airport land use compatibility planning then such a body can be designated to assume the planning responsibilities of the ALUC and a separate commission need not be established;

WHEREAS, on May 16, 2016 the Mayor of the City of Crescent City transmitted a letter to the Chairman of the Del Norte County Board of Supervisors indicating support for the designation of the County Planning Commission as the ALUC when supplemented with two additional members with aviation expertise;

WHEREAS, on May 24, 2016 the Del Norte County Board of Supervisors identified, by resolution, the Del Norte County Planning Commission as the designated body, supplemented with two additional members who have aviation expertise, to serve as the ALUC for all three public use airports all of which are located in the unincorporated area of the County;

WHEREAS, the state law governing airport land use compatibility planning requires that the ALUC prepare and adopt an Airport Land Use Compatibility Plan (ALUCP);

WHEREAS, state law requires that the ALUCP provide for the orderly growth of each public airport and the area surrounding each airport and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general;

WHEREAS, while the ALUC uses County staff, the Commission's autonomous decision-making authority is separate from other actions of the County and the Board of Supervisors;

WHEREAS, the Commission finds that the General Plans of the affected local agencies have been preliminarily reviewed for consistency with the Del Norte County ALUCP and that affected local agencies will be required to transmit notification to the California Department of Transportation, Division of Aeronautics, certifying consistency between the General Plan and the ALUCP;

WHEREAS, the Commission finds that the affected local agencies each have their own review and approval processes to carry out the provisions of the ALUCP with respect to ministerial and discretionary projects;

WHEREAS, the Commission finds that the ALUCP will help identify and ensure that proposed future land uses within the airport influence areas will not adversely affect the health, safety, and welfare of airport operations or the community-at-large;

WHEREAS, prior to adopting an ALUCP an ALUC must make provisions for soliciting input from the public and regulatory agencies;

WHEREAS, on May 6, 2016 the ALUCP project was introduced at a public workshop of the ALUC;

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96

WHEREAS, on March 1, 2017 the ALUC opened a review and comment period for review of the preliminary draft ALUCP and invited public input and participation;

WHEREAS, on July 5, 2017, during a publicly noticed hearing, the ALUC received a final draft of the ALUCP as well as a comment letter from Caltrans on the proposed final draft;

WHEREAS, the County transmitted an initial study and Negative Declaration to the State Clearinghouse for mandatory review and comment (SCH #2017052059), pursuant to the California Environmental Quality Act (CEQA), which the Commission has considered in approving this ALUCP and has determined that the project would not have a significant effect upon the environment; and

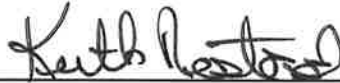
NOW THEREFORE, BE IT RESOLVED the Del Norte County Planning Commission serving as the County Airport Land Use Commission adopts the Del Norte County Airport Land Use Compatibility Plan.

PASSED AND ADOPTED this 5th day of July, 2017 by the following polled vote:

AYES: *Commissioners Restad, Jacobs, Leitner, Trask, Dickey*

NOES: *None*

ABSENT: *Commissioners Peters, and Fearing*



Keith Restad, Chairman
Planning Commission/ALUC

ATTEST:



Lindsey Wheelon
Secretary

Public Comments Received During Preparation of the Del Norte County ALUCP

During the public review process for the Del Norte County Airport Land Use Compatibility Plan, comments could be submitted by mail, e-mail, or through the project-specific website. During the comment period, one comment was received and is included on the following page. A response to the comment is provided below.

Response: The ALUCP is based on three sets of key planning assumptions: (1) the updated Airport Layout Plan (ALP); (2) the updated aviation activity forecasts; and (3) the updated noise exposure forecasts. These three key planning assumptions are provided by the Border Coast Regional Airport Authority. State law requires that airport land use commissions base their ALUCPs on up-to-date airport master plans or ALPs (Pub. Util. Code §21675(a)). This plan is based on the most current Jack McNamara Field ALP approved by the Federal Aviation Administration on March 24, 2014. As shown on Exhibit 3A of the ALUCP, the ALP depicts the runway extension, which is the basis for the noise, safety, airspace and overflight zones for Jack McNamara Field.

6/28/2017, Comments, Del Norte County Community Development and Airport Planning Commission

Eileen Cooper, Regarding ALUCP:

Future Airport Plans- page 3-5

The Crescent City airport recently constructed an expansion to the runway safety area (RSA) with grants from the Federal Aviation Administration, Caltrans and the Oregon Department of Transportation.

Based on information from the California Aviation System Plan, Capital Improvement Plan 2014-2023, the airport has additional future plans, including:

- Installing Precision Approach Path Indicator (PAPI), 2016
 - Installing taxiway lighting, 2018 – 2019
 - Constructing a terminal parking lot (work on this project commenced in May 2016)
 - Constructing a new terminal apron and terminal building (work on this project commenced in May 2016)
- * **Extending Runway 12/30, 2022-**

** Unfortunately our adopted Airport Layout Plan is dated 2005, and is what the Capital Improvement Plan is based on, as well as this ALUCP document.*

Regarding Extending Runway 12/30 in 2022:

Commercial Turbo Prop use remains constant throughout the planning period at 1456, as stated in Table 3-B. The commercial turbo prop is the reason you would want longer runways. The only logical choice would be to keep the runway as is. The only reason that a longer runway would be needed is if we went to bigger planes. The whole idea of extending the runway south of Washington Blvd., is a relic from the past, when we thought that aviation was shifting from turbos to only jets with 54 seats. Back in 2005 we certified the Airport Layout Plan with this excessively long runway. Unfortunately this outdated 2005 Layout Plan was not updated before we invested ourselves in producing an Airport Land Use Plan. What actually happened since 2005 has been: depressed use, terrorist activity, fuel prices skyrocketing, and climate change becoming important. But most importantly the aviation community decided not to phase out turbos because use was down and turbos are more fuel efficient for short routes like ours. The whole concept of needing a longer runway is outdated. If our airport layout plans had been adjusted appropriately, and showed a realistic alternative- the length of runway that we have, which is a spanking brand new runway, then the safety issue conflicts which are very severe, would be substantially reduced. This document gives us only one alternative for Crescent City Airport, an improbable alternative, that has severe safety impacts and is very misleading. These safety impacts can be substantially reduced by providing for the length runway we are actually going to need in the future of the planning document. It makes no sense to plan for the improbable, at great cost to zoning conflicts and perceived public safety. What should be of concern to property owners, the plan requires homeowners to make disclosures on their real estate deals that are based on fiction and that will devalue their property.

This draft reveals a significant or severe safety hazard impact that can be partially mitigated by choosing a different alternative for runway length. CEQA requires impacts to be compared to current conditions. Based on our current 2016 Regional Transportation Plan, we were at 14,341 enplanements in 2010. In 2014 we were at 13,701 enplanements. Now we are back to 2010 levels. There is no mention of runway extensions in the current 2016 Regional Transportation Plan in the discussion of future plans. The outdated Regional Transportation Plan of 2011 did mention runway expansion on page 53. But that need was dropped in the new Transportation Plan, future needs p2-27:

The Del Norte County Regional Airport finished construction on the expansion of the runway safety area

funded through the Federal Aviation Administration (FAA) grant program and the Oregon Department of Transportation in 2015. The Del Norte County Airport is pursuing a terminal expansion set for construction in 2017 to meet the future demand of travel. Period end of story, no mention of runway expansion.

So why are we using outdated Plans? **This document describes a runway plan that has not only been abandoned because of lack of need, but also has excessive safety hazards.** It would be untruthful to make findings other than this.

The findings require this commission to describe the measures taken to assure that risks are held to a minimum. The current document fails to accurately describe that the runway we currently have is newly built and will be adequate for likely future needs. You are creating a plan based on an incompatible, unrealistically long runway. This is completely defeats the purpose of the plan. This ALUCP is outdated before it is even written. Garbage in, garbage out.

As stated on page:

(d) Protecting Public Health, Safety, and Welfare by Ensuring Orderly Expansion of the Airport. *The findings should:*

(1) Document any inconsistencies between the proposed land use action and safety compatibility criteria in the ALUC compatibility plan;

(2) Describe the measures taken to assure that risks – both to people and property on the ground and to the occupants of aircraft – associated with the land use proposal are held to a minimum; and

(3) Indicate that the proposed land use action falls within a level of acceptable risk considered to be a community norm.

(e) Minimizing the Public's Exposure to Excessive Noise and Safety Hazards. The statute implies a quantitative assessment of noise exposure and safety hazards. The purpose of the statute is not merely to reduce the public's exposure to noise and safety hazards, but to minimize exposure in areas with excessive noise or safety concerns. To adopt a finding demonstrating consistency with this purpose, the local agency first must determine whether the existing noise exposure or safety hazards are excessive.

(1) If existing noise and safety hazards are not excessive, then the actions taken by the local agency must "prevent the creation of new noise and safety problems" (see the third bullet above).

(2) If the existing exposure is excessive, the local agency would have to show how its action in overruling an ALUC determination of inconsistency nonetheless minimizes additional exposure to those noise and safety concerns that have been identified.

(3) Finally, the local agency needs to show the extent to which land uses in the area in question are already incompatible with airport operations and how an action to overrule would not create a new incompatible use or would not expose additional persons or property to noise and safety hazards associated with existing compatible uses.

As discussed in the preceding paragraph, land that is suitable for development is clearly scarce in the greater Crescent City area and, as such, the preservation of land that is suitable for development is of great importance for both the City and the County governing bodies and land use agencies. Unfortunately, much of the land that is suitable for development in the greater Crescent City area exists in the pathway to Runway 30 of Jack McNamara Field and in geometric areas identified as Zones 2 and 4 using the Handbook guidance. The effect of the application of either Safety Zone 2 or 4, utilizing the default safety zone recommendations of the Handbook, would be to severely downzone this already severely impinged-upon community - something that local governing bodies have consistently opposed as evidenced

by the No Net Loss Policy adopted by the Del Norte County Board of Supervisors in Resolution No. 2007-053.

Finally, the development pattern and parcelization of the area in question (within Safety Zones 2 and 4 associated with Runway 30) is already developed well in excess of the density stated in the Handbook as appropriate (see Exhibit 2B). This applies to portions of 25 parcels totaling 11.4 acres in Zone 2A; portions of 13 parcels totaling 1.6 acres in Zone 4A; and portions of 8 parcels totaling 1.3 acres in Zone 4B. Due to the limited availability of privately owned land within Del Norte County and the existing level of development in these privately owned areas, additional sub-zones (Zones 2A, 4A, and 4B) have been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 2A are the same as Zone 2 and the dimensions of 4A and 4B are the same as Zone 4; however, these areas have a specific infill policy (4.1.5.3[e]) to permit development in these zones similar to the existing development. Within these zones, separate safety compatibility criteria that allow no greater residential density are listed in this ALUCP (see Table 4A). These residential densities are based on the 2003 Del Norte County General Plan and 2001 Crescent City General Plan. Future updates to the Del Norte County General Plan or Crescent City General Plan attempting to increase densities or intensities in these areas would not be consistent with this ALUCP.

MEDIUM GENERAL AVIATION RUNWAY- what we currently have

Assumptions:

- Length 4,000 to 5,999 feet
- Approach visibility minimums $\frac{3}{4}$ mile and < 1 mile
- Zone 1 = 1,000' x 1,510' x 1,700

LONG GENERAL AVIATION RUNWAY- what we are planning

Assumptions:

- Length 6,000 or more
- Approach visibility minimums < $\frac{3}{4}$ mile
- Zone 1 = 1,000' x 1,750' x 2,500

Thank you, Eileen Cooper

Notice of Determination

Appendix D

To:

Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

County Clerk
 County of: Del Norte
 Address: 981 H Street, Ste 160
Crescent City, CA 95531

From:

Public Agency: Del Norte Planning Commission
 Address: 981 H Street, Ste 110
Crescent City, CA 95531
 Contact: Randy Hooper
 Phone: 707-464-7254

Lead Agency (if different from above):
 Address: _____
 Contact: _____
 Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2017052059

Project Title: Del Norte County - MAP1703 - Environmental Review of the Airport Land Use Compatibility Plan

Project Applicant: Del Norte County

Project Location (include county): Del Norte County's three public use airports

Project Description:

The County is considering adopting a countywide Airport Land Use Compatibility Plan (ALUCP). The ALUCP will be used to guide future land use decisions regarding future development within the defined airport influence areas of the County's three public use airports (Jack McNamara Field Airport, Ward Field Airport, and Andy McBeth Airport). The ALUCP will have no effect on existing development or Federal and Tribal lands.

This is to advise that the Del Norte Airport Land Use Commission has approved the above
 Lead Agency or Responsible Agency

described project on July 5, 2017 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [was was not] adopted for this project.
5. A statement of Overriding Considerations [was was not] adopted for this project.
6. Findings [were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

Community Development Department, 981 H Street, Ste 110, Crescent City, CA 95531

Signature (Public Agency):  Title: Assistant Director

Date: July 6, 2017 Date Received for filing at OPR: _____



Appendix E

GLOSSARY OF NOISE COMPATIBILITY TERMS

Appendix E

GLOSSARY OF NOISE COMPATIBILITY TERMS

A-WEIGHTED SOUND LEVEL - A sound pressure level, often noted as dBA, which has been frequency filtered or weighted to quantitatively reduce the effect of the low frequency noise. It was designed to approximate the response of the human ear to sound.

AMBIENT NOISE - The totality of noise in a given place and time — usually a composite of sounds from varying sources at varying distance; no particular sound is dominant.

APPROACH LIGHT SYSTEM (ALS) - An airport lighting facility which provides visual guidance to landing aircraft by radiating light beams in a directional pattern by which the pilot aligns the aircraft with the extended centerline of the runway on the final approach for landing.

ATTENUATION - Acoustical phenomenon whereby a reduction in sound energy is experienced between the noise source and receiver. This energy loss can be attributed to atmospheric conditions, terrain, vegetation, and man-made and natural features.

BASE LEG - A flight path at right angles to the landing runway off its approach end. The base leg normally extends from the downwind leg to the intersection of the extended runway centerline. See “traffic pattern.”

CFR - Code of Federal Regulation (i.e. 14 CFR Part 150)

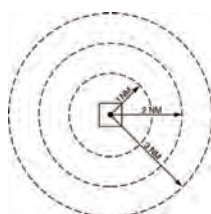
CROSSWIND LEG - A flight path at right angles to the landing runway off its upwind end. See “traffic pattern.”

DAY-NIGHT AVERAGE SOUND LEVEL - See DNL.

DECIBEL (dB) - The physical unit commonly used to describe noise levels. The decibel represents a relative measure or ratio to a reference power. This reference value is a sound pressure of 20 micropascals which can be referred to as 1 decibel or the weakest sound that can be heard by a person with very good hearing in an extremely quiet room.

DISPLACED THRESHOLD - A threshold that is located at a point on the runway other than the designated beginning of the runway.

DISTANCE MEASURING EQUIPMENT (DME) - Equipment (airborne and ground) used to measure, in nautical miles, the slant range distance of an aircraft from the DME navigational aid.



DNL - The 24-hour average sound level, in A-weighted decibels, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m. as averaged over a span of one year. It is the FAA standard metric for determining the cumulative exposure of individuals to noise. Also see “ L_{eq} .”

DOWNWIND LEG - A flight path parallel to the landing runway in the direction opposite to landing. The downwind leg normally extends between the crosswind leg and the base leg. Also see “traffic pattern.”

DURATION - Length of time, in seconds, a noise event such as an aircraft flyover is experienced. (May refer to the length of time a noise event exceeds a specified dB threshold level.)

EQUIVALENT SOUND LEVEL - See L_{eq} .

FINAL APPROACH - A flight path in the direction of landing along the extended runway centerline. The final approach normally extends from the base leg to the runway. See “traffic pattern.”

FIXED BASE OPERATOR (FBO) - A provider of services to users of an airport. Such services include, but are not limited to, hangaring, fueling, flight training, repair and maintenance.

GLIDE SLOPE (GS) - Provides vertical guidance for aircraft during approach and landing. The glide slope consists of the following:

1. Electronic components emitting signals which provide vertical guidance by reference to airborne instruments during instrument approaches such as ILS, or
2. Visual ground aids, such as VASI, which provide vertical guidance for VFR approach or for the visual portion of an instrument approach and landing.

GLOBAL POSITIONING SYSTEM - See “GPS.”

GPS - GLOBAL POSITIONING SYSTEM - A system of 24 satellites used as reference points to enable navigators equipped with GPS receivers to determine their latitude, longitude, and altitude. The accuracy of the system can be further refined by using a ground receiver at a known location to calculate the error in the satellite range data. This is known as Differential GPS (DGPS).

GROUND EFFECT - The attenuation attributed to absorption or reflection of noise by man-made or natural features on the ground surface.

HOURLY NOISE LEVEL (HNL) - A noise summation metric which considers primarily those single events which exceed a specified threshold or duration during one hour.

INSTRUMENT APPROACH - 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.

INSTRUMENT FLIGHT RULES (IFR) - Rules governing the procedures for conducting instrument flight. Also a term used by pilots and controllers to indicate type of flight plan.

INSTRUMENT LANDING SYSTEM (ILS) - A precision instrument approach system which normally consists of the following electronic components and visual aids:

1. Localizer.
2. Glide Slope.
3. Outer Marker.
4. Middle Marker.
5. Approach Lights.

LAAS - Local Area Augmentation System, ground-based antennas whose precisely known locations are used to correct the satellite signals and provide greater positional accuracy as well as integrity of service to aircraft in the air. Represents the next generation of airspace management and aircraft guidance through the National Airspace System using GPS technologies.

L_{dn} - (See DNL). L_{dn} used in place of DNL in mathematical equations only.

L_{eq} - Equivalent Sound Level. The steady A-weighted sound level over any specified period (not necessarily 24 hours) that has the same acoustic energy as the fluctuating noise during that period (with no consideration of a nighttime weighting.) It is a measure of cumulative acoustical energy. Because the time interval may vary, it should be specified by a subscript (such as $L_{eq,8}$) for an 8-hour exposure to workplace noise) or be clearly understood.

LOCALIZER - The component of an ILS which provides course guidance to the runway.

L_{max} - Maximum Sound Level, the maximum sound level (dB) during a particular noise event.

LOUDNESS - The attribute of auditory sensation in terms of which sounds may be ordered on a scale extending from soft to loud.

MISSED APPROACH COURSE (MAC) - The flight route to be followed if, after an instrument approach, a landing is not effected, and occurring normally:

1. When the aircraft has descended to the decision height and has not established visual contact, or
2. When directed by air traffic control to pull up or to go around again.

NOISE CONTOUR - A continuous line on a map of the airport vicinity connecting all points of the same noise exposure level.

NONDIRECTIONAL BEACON (NDB) - A beacon transmitting nondirectional signals whereby the pilot of an aircraft equipped with direction finding equipment can determine his bearing to and from the radio beacon and home on or track to or from the station. When the radio beacon is installed in conjunction with the Instrument Landing System marker, it is normally called a Compass Locator.

NONPRECISION APPROACH - A standard instrument approach procedure providing runway alignment but no glide slope or descent information.

PRECISION APPROACH - A standard instrument approach procedure providing runway alignment and glide slope or descent information.

PRECISION APPROACH PATH INDICATOR (PAPI) - A lighting system providing visual approach slope guidance to aircraft during a landing approach. It is similar to a VASI but provides a sharper transition between the colored indicator lights.

PROFILE - The physical position of the aircraft during landings or takeoffs in terms of altitude in feet above the runway and distance from the runway end.

PROPAGATION - Sound propagation refers to the spreading or radiating of sound energy from the noise source. Propagation characteristics of sound normally involve a reduction in sound energy with an increased distance from source. Sound propagation is affected by atmospheric conditions, terrain, and man-made and natural objects.

RESIDUAL NOISE - is ambient noise without specific noise. The residual noise is the noise remaining at a point under certain conditions when the noise from the specific source is suppressed.

RUNWAY END IDENTIFIER LIGHTS (REIL) - Two synchronized flashing lights, one on each side of the runway threshold, which provide rapid and positive identification of the approach end of a particular runway.

SEL - Sound Exposure Level. SEL expressed in dB, is a measure of the effect of duration and magnitude for a single-event measured in A-weighted sound level above a specified threshold which is at least 10 dB below the maximum value. In typical aircraft noise model calculations, SEL is used in computing aircraft acoustical contribution to the Equivalent Sound Level (L_{eq}), the Day-Night Sound Level (DNL), and the Community Noise Equivalent Level (CNEL).

SINGLE EVENT - An occurrence of audible noise usually above a specified minimum noise level caused by an intrusive source such as an aircraft overflight, passing train, or ship's horn.

SLANT-RANGE DISTANCE - The straight line distance between an aircraft and a point on the ground.

SOUND EXPOSURE LEVEL - See SEL.

SOUND LEVEL METER - An instrument, which is used for the measurement of sound level, with standard frequency weighting and standard exponentially weighted time averaging.

SPL - Sound Pressure Level, measure of the sound pressure of a given noise source relative to a standard reference value (typically the quietest sound that a young person with good hearing can detect).

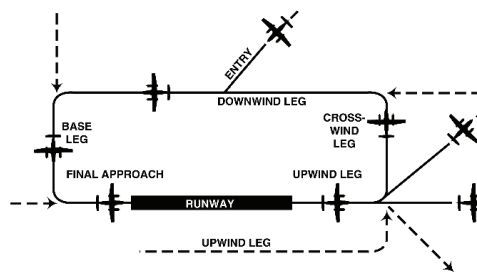
THRESHOLD - Decibel level below which single event information is not printed out on the noise monitoring equipment tapes. The noise levels below the threshold are, however, considered in the accumulation of hourly and daily noise levels.

TIME ABOVE (TA) - The 24-hour TA noise metric provides the duration in minutes for which aircraft-related noise exceeds specified A-weighted sound levels. It is expressed in minutes per 24-hour period.

TOUCHDOWN ZONE LIGHTING (TDZ) - Two rows of transverse light bars located symmetrically about the runway centerline normally at 100 foot intervals. The basic system extends 3,000 feet along the runway.

TRAFFIC PATTERN - The traffic flow that is prescribed for aircraft landing at or taking off from an airport. The components of a typical traffic pattern are the upwind leg, crosswind leg, downwind leg, base leg, and final approach.

UNICOM - A nongovernment communication facility which may provide airport information at certain airports. Locations and frequencies of UNICOM's are shown on aeronautical charts and publications.



UPWIND LEG - A flight path parallel to the landing runway in the direction of landing. See "traffic pattern."

VECTOR - A heading issued to an aircraft to provide navigational guidance by radar.

VERY HIGH FREQUENCY OMNIDIRECTIONAL RANGE STATION (VOR) - A ground-based electric navigation aid transmitting very high frequency navigation signals, 360 degrees in azimuth, oriented from magnetic north. Used as the basis for navigation in the national airspace system. The VOR periodically identifies itself by Morse Code and may have an additional voice identification feature.

VERY HIGH FREQUENCY OMNIDIRECTIONAL RANGE STATION/TACTICAL AIR NAVIGATION (VORTAC) - A navigation aid providing VOR azimuth, TACAN azimuth, and TACAN distance-measuring equipment (DME) at one site.

VICTOR AIRWAY - A control area or portion thereof established in the form of a corridor, the centerline of which is defined by radio navigational aids.

VISUAL APPROACH - An approach wherein an aircraft on an IFR flight plan, operating in VFR conditions under the control of an air traffic control facility and having an air traffic control authorization, may proceed to the airport of destination in VFR conditions.

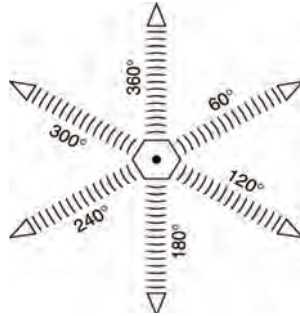
VISUAL APPROACH SLOPE INDICATOR (VASI) - An airport lighting facility providing vertical visual approach slope guidance to aircraft during approach to landing by radiating an directional pattern of high intensity red and white focused light beams which indicate to the pilot that he is on path if he sees red/white, above path if white/white, and below path if red/red. Some airports serving large aircraft have three-bar VASI's which provide two visual guide paths to the same runway.

VISUAL FLIGHT RULES (VFR) - Rules that govern the procedures for conducting flight under visual conditions. The term VFR is also used in the United States to indicate weather

conditions that are equal to or greater than minimum VFR requirements. In addition, it is used by pilots and controllers to indicate type of flight plan.

VOR - See "Very High Frequency Omnidirectional Range Station."

VORTAC - See "Very High Frequency Omnidirectional Range Station/Tactical Air Navigation."



WAAS - Wide Area Augmentation System, ground-based antennas whose precisely known locations are used to correct the satellite signals and provide greater positional accuracy as well as integrity of service to aircraft in the air. Given the current difficulties with WAAS, LAAS now has higher priority for implementation at U.S. airports.

YEARLY DAY-NIGHT AVERAGE SOUND LEVEL - See DNL.



Appendix F

CHECKLIST OF ALUCP CONTENTS

Appendix F

CHECKLIST OF ALUCP CONTENTS

Checklist Item	Reference Location
Scope of the Plan — In a preface or introductory chapter, provide a clear statement describing the scope and function of the plan. Specifically:	
Purpose and Authority: Refer to PUC statute that requires the formation of ALUCs and requires preparation of an ALUCP.	Page 1-3
Include the resolution that formed the ALUC and the resolution that adopts this ALUCP.	Appendix B
The plan’s purpose should be defined as a vehicle for conducting airport land use compatibility planning.	Page 1-3
Airport Identification: List the airport(s) addressed by the plan and the city or unincorporated county in which they are located.	Page 1-1
Airport Influence Area: Provide a general description and map of the area that comprises the jurisdiction of the ALUC.	Page 2-1, Exhibits 4D, 4E, 4F
Also include a map covering the planning boundary of the ALUCP if it varies from the AIA boundary.	Not Applicable
Jurisdictions Affected: Identify all local jurisdictions and any military facilities that are affected by the ALUCP. Listing the general and specific plans of local jurisdictions also may be valuable.	Page 2-1
Limitations of the Plan: Note the limitations on ALUC jurisdiction over existing land uses; state, federal and tribal land; and airport operations as stated in the law and how they are applied by the individual ALUC.	Page 1-4
Airport Information — Include essential information about the airport(s) that shows the ALUCP has been based upon an FAA-adopted AMP or ALP.	
Planning Status: Indicate the FAA approval date of the current ALP and activity forecasts (see below).	Page 3-1
Indicate local government or airport adoption date for the AMP.	Page 3-1
ALP: Include a copy of the FAA-approved ALP.	Exhibits 3A, 3B, 3C
Airport Activity: Document existing and projected airport operational levels. Include data indicating the known or estimated distribution of operations by type of aircraft, time of day, and runway used. As necessary, extend the 20 year forecasts included in adopted AMPs to ensure that the ALUCP reflects the anticipated growth of airport activity over a 20-year period.	Tables 3B, 3D, 3F
Compatibility Policies and Criteria — State all policies and criteria as clearly, precisely, and completely as possible, in a separate chapter from the background information. As appropriate, use tables to present primary criteria. Address each of the following compatibility concerns:	
Noise: Indicate maximum normally acceptable exterior noise levels for new residential and other noise-sensitive land uses. Note interior noise level standards.	Tables 4B, 4C
Overflight: Indicate how aircraft overflight noise concerns are addressed.	§4.3.4

Checklist Item <i>(Continued)</i>	Reference Location
Compatibility Policies and Criteria <i>(Continued)</i>	
Safety: Indicate maximum acceptable land use densities and intensities and the manner in which they are to be measured. List any uses explicitly prohibited from certain zones.	§4.3.1.1, Table 4A
Airspace Protection: Note reliance upon FAR Part 77 and Terminal Instrument Procedures (TERPS) if relevant. If applicable, indicate policies addressing objects where ground level exceeds FAR Part 77 criteria. List criteria regarding hazards to flight such as bird strikes, solar panels, wind turbines, stationary smoke plumes, and electronic interferences with flight operations.	§4.3.3
Compatibility Zone Maps — For each airport, provide either a composite compatibility zone map or individual compatibility zone maps. On base map, identify roads, water courses, section lines, and other major natural and man-made features.	
Showing the local government zoning as a background layer is also helpful.	Exhibits 4D, 4E, 4F
Noise Contours: Show CNEL contours to be used for planning purposes.	Exhibits 4G, 4H, 4J
Compatibility Policies: If compatibility policies are based on separate assessment of compatibility concerns, indicate boundaries and dimensions of safety zones. When basing zones on guidelines in Chapter 3 of this Handbook, make adjustments as appropriate to reflect traffic pattern locations and other factors particular to each individual airport.	Appendix A
FAA Airspace Protection Surfaces: Include map derived from FAR Part 77 standards indicate allowable heights of objects relative to the airport elevation. Indicate locations where ground exceeds these limits. Base map should show topography.	Exhibits 4K, 4L, 4M
Composite Compatibility Zones: When using compatibility criteria representing a composite of the above individual compatibility concerns (noise, overflight, safety, and airspace protection), provide a map showing the boundaries of each zone. Indicate distances of boundaries from the airport runways.	Not Applicable
Airport Influence Area: Clearly identify the AIA boundary on a map and with a written description.	Exhibits 4D, 4E, 4F
Review Policies — Describe the process and list the steps that the ALUC will use in reviewing local government plans and projects.	
Types of Actions for ALUC Review: List the types of local government plans or projects that are to be submitted to the ALUC. Distinguish between mandatory and voluntary submittals.	§4.1.6.4 and §4.1.7
Project Information: List the types of information to be included when a project or plan is submitted for an ALUC consistency decision.	Appendix C
Timing: Define when ALUC reviews are to be conducted and the time limits within which the ALUC must respond.	§4.2.1
ALUC Staff Responsibilities: Define staff duties in the ALUC compatibility review process.	Throughout

Checklist Item <i>(Continued)</i>	Reference Location
<p>Preliminary Review of Plans and Projects for Consistency determinations —If applicable, describe the steps involved when an affected local jurisdiction requests the ALUC to provide a preliminary assessment of the general plans, specific plans, and relevant land use ordinances and regulations prior to their official submission for an ALUC determination.</p>	Not Applicable
<p>Land Use Information — Include maps such as the following:</p>	
<p>Existing Land Use Development: Show locations in the airport vicinity where development exists by using current, high altitude aerial photographs and/or GIS data.</p>	Exhibits 2B, 2E, 2H
<p>Planned Land Uses: Show locations in the airport vicinity where development is planned by including current general plan and zoning maps.</p>	Exhibits 2D, 2G, 2K
<p>Discussion of Compatibility Issues — Discuss the basic concepts and rationale behind the compatibility policies and criteria.</p>	
<p>Local Government Implementation: Discuss the general plan and specific plan ALUCP consistency requirement. Refer local jurisdictions to the Handbook appendices for sample implementation documents, such as Methods for Calculating Usage Intensities, Buyer Awareness Measures, and an Airport Overlay Zone Ordinance.</p>	Page 1-7, Appendix C
<p>Supporting Materials — For quick reference, include:</p>	
<p>State Aeronautics Act: Provide a copy of the current state laws pertaining to airport land use commissions (PUC Sections 21670-21679.5). Indicate the date of the most current legislative amendment.</p>	Appendix D
<p>Federal Aviation Regulations Part 77: Provide a copy of regulations governing objects affecting navigable airspace.</p>	Appendix D
<p>Glossary: Prepare a glossary of common aviation terms, particularly those associated with airport land use compatibility planning topics.</p>	Appendix E
<p>A website link to the Caltrans Division of Aeronautics</p>	Appendix C



Appendix G

**INITIAL STUDY AND
NEGATIVE DECLARATION**

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Del Norte County - Environmental Review of the Airport Land Use Compatibility Plan (ALUCP) - MAP1703

Lead Agency: Del Norte County Contact Person: Randy Hooper
Mailing Address: 981 H Street, Ste 110 Phone: 707-464-7254
City: Crescent City Zip: 95531 County: Del Norte

Project Location: County: Del Norte City/Nearest Community: County Wide

Cross Streets: County Wide Zip Code:

Longitude/Latitude (degrees, minutes and seconds): Total Acres:

Assessor's Parcel No.: Section: Twp.: Range: Base:

Within 2 Miles: State Hwy #: Waterways:

Airports: Railways: Schools:

Document Type:

- CEQA: [] NOP [] Draft EIR [] Early Cons [] Supplement/Subsequent EIR [x] Neg Dec (Prior SCH No.) [] Mit Neg Dec Other:
NEPA: [] NOI [] EA [] Draft EIS [] FONSI
Other: [] Joint Document [] Final Document [] Other:

Local Action Type:

- [] General Plan Update [] Specific Plan [] Rezone [] Annexation
[] General Plan Amendment [] Master Plan [] Prezone [] Redevelopment
[] General Plan Element [] Planned Unit Development [] Use Permit [] Coastal Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [x] Other:ALUCP

Development Type:

- [] Residential: Units Acres
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other:

Project Issues Discussed in Document:

- [] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [] Forest Land/Fire Hazard [] Septic Systems [] Water Supply/Groundwater
[] Archeological/Historical [] Geologic/Seismic [] Sewer Capacity [] Wetland/Riparian
[] Biological Resources [] Minerals [] Soil Erosion/Compaction/Grading [] Growth Inducement
[] Coastal Zone [x] Noise [] Solid Waste [x] Land Use
[] Drainage/Absorption [] Population/Housing Balance [] Toxic/Hazardous [] Cumulative Effects
[] Economic/Jobs [] Public Services/Facilities [] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:

Project Description: (please use a separate page if necessary)

Del Norte County is proposing to adopt an ALUCP, as requested by State Law for the county's three public use airports and surrounding airport influences areas.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "X". If you have already sent your document to the agency please denote that with an "S".

- | | |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> Boating & Waterways, Department of | <input type="checkbox"/> Office of Public School Construction |
| <input type="checkbox"/> California Emergency Management Agency | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input type="checkbox"/> Caltrans District # _____ | <input type="checkbox"/> Public Utilities Commission |
| <input checked="" type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Regional WQCB # _____ |
| <input type="checkbox"/> Caltrans Planning | <input type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input type="checkbox"/> Resources Recycling and Recovery, Department of |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Delta Protection Commission | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Water Quality |
| <input type="checkbox"/> Energy Commission | <input type="checkbox"/> SWRCB: Water Rights |
| <input checked="" type="checkbox"/> Fish & Game Region # 1 _____ | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input checked="" type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> General Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Health Services, Department of | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Housing & Community Development | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date May 17, 2017 Ending Date June 17, 2017

Lead Agency (Complete if applicable):

Consulting Firm: _____	Applicant: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Contact: _____	Phone: _____
Phone: _____	

Signature of Lead Agency Representative:  Date: 5/12/17

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

INTRODUCTION

This Initial Study evaluates the potential environmental effects of the implementation of an Airport Land Use Compatibility Plan (ALUCP) for the environs of the three public use airports in Del Norte County, California (Jack McNamara Field, Ward Field, and Andy McBeth Airport). This Initial Study is being prepared as part of the *California Environmental Quality Act* (CEQA) documentation for the Del Norte County Airport Land Use Commission (ALUC) consideration. The Del Norte County ALUC is assuming the role of “lead agency” for this project in accordance with CEQA and the State CEQA Guidelines. The Del Norte County Planning Commission, augmented by two members of the Border Coast Regional Airport Authority (BCRAA), serves as the designated Airport Land Use Commission (ALUC) for Del Norte County. In this role, the ALUC is guided by the relevant content in the *California Airport Land Use Planning Handbook* (October 2011), published by the Caltrans Division of Aeronautics, and implements the *California State Aeronautics Act* (SAA) pursuant to California Public Utility Code (PUC) Sections 21674.5 and 21674.7. ALUC review and determination regarding the potential environmental impacts of the ALUCP will be based on the information presented in this Initial Study.

ENVIRONMENTAL REVIEW PROCESS

This Initial Study document contains an “Environmental Checklist” for assessing potential environmental impacts of the proposed project in a modified form suggested by Appendix G of the State CEQA Guidelines. A brief explanation is provided for all responses contained in the Environmental Checklist, including supportive documentation for those responses identified as “No Impact” or “Less than Significant Impact.”

Based on analysis undertaken to fill out the checklist, the proposed ALUCP is not expected to result in any potentially significant environmental impacts and no mitigation is necessary. Based on this determination, ALUC proposed to adopt a Negative Declaration (ND) for the proposed project. This Initial Study document suffices to fulfill the environmental review requirements for adoption of the proposed ALUCP by the Del Norte County Planning Commission, augmented by two members of the BCRAA in its designated role as the Airport Land Use Commission for the County. As noted in Item 9 of the Environmental Checklist, there are no other agency approvals required.

PROJECT DESCRIPTION

1. Project Title:

Airport Land Use Compatibility Plan (ALUCP) for County of Del Norte, California

2. Lead Agency Name and Address:

Del Norte County Airport Land Use Commission
981 H Street, Suite 100
Crescent City, CA 95531

3. Project Location:

Exhibit 1A of the ALUCP depicts the three public use airports within Del Norte County, California: Jack McNamara Field, Ward Field, and Andy McBeth Airport. Jack McNamara Field is located three miles northwest of Crescent City, California; Ward Field is located one mile west of Gasquet, California; and Andy McBeth Airport is located south of Klamath Glenn, California. All three airports are located within unincorporated portions of Del Norte County. Jack McNamara Field is also bordered by Crescent City. Ward Field and Andy McBeth Airports are both surrounded by unincorporated Del Norte County. Jack McNamara Field is owned and operated by the Border Coast Regional Airport Authority (BCRAA). The BCRAA is a Joint Powers Authority (JPA) with a Board of Directors comprised of representatives from Del Norte County, the City of Crescent City, the Elk Valley Rancheria, the Tolowa Dee-ni' Nation, the City of Brookings (Ore-

gon) and Curry County (Oregon). Ward Field and Andy McBeth Airport are both owned by Del Norte County and operated by BCRAA.

Jack McNamara Field had 8,115 annual operations (issued by the FAA in January 2016). According to the FAA 5010 Airport Master Record, Ward Field had 2,000 annual operations as of December 31, 2014. From the same source and time period as Ward Field, Andy McBeth had 1,200 annual operations.

The Draft Final ALUCP for the County of Del Norte applies to land within the Airport Influence Area (AIA) boundary for each airport (see Exhibit 4A [Jack McNamara Field]; Exhibit 4B [Ward Field]; and Exhibit 4C [Andy McBeth Airport] in the ALUCP). The AIA boundary defines the area for land use compatibility policy implementation. The AIA boundary was established using the outer boundary of the Conical Surface of the airspace protection surfaces defined in Title 14 of the Code of Federal Regulation Part 77 (14 CFR Part 77) for all three airports. This federal regulation defines a series of airspace protection boundaries around an airport that are used by the Federal Aviation Administration (FAA) to determine potential obstructions to air navigation. The outer boundary of the Conical Surface generally represents the outer boundary of the air traffic pattern for the airports.

4. Project Sponsor's Name and Address:

Del Norte County
981 H Street, Suite 100
Crescent City, CA 95531

5. General Plan Designation:

Jack McNamara Field

Exhibit 2D of the ALUCP shows the land uses depicted on the City of Crescent City General Plan Land Use Map. Much of the land around the airport consists of natural resources, primarily forest and shoreline. There is some light industrial south of the airport, with residential development to the east and farther south. The Pacific Ocean is directly west of the airport.

Table 2C of the ALUCP includes a summary of the General Plan land uses within the study area. As indicated in the table, much of the land within the study area is designated as "Open" and Public, which includes the airport, Tolowa Dunes State Park, and Lake Earl Wildlife Area. Areas planned for residential land uses (rural, low density, medium density and mobile homes) constitute 25 percent of the planned land uses within the vicinity of the airport. The remaining areas are planned for commercial and industrial land uses.

Ward Field

Exhibit 2G in the ALUCP depicts the Del Norte County General Plan land use designations for the area surrounding Ward Field. As indicated in Table 2F in the ALUCP, the largest per-

centage of land in this area is planned for Public land uses, which includes land within Six Rivers National Forest. The remaining areas are planned for Rural Residential, Commercial, and Open land uses. These planning designations are consistent with the existing development pattern for this area.

Andy McBeth Airport

Table 2J in the ALUCP summarizes the Del Norte County General Plan land uses for the Andy McBeth Airport study area. As illustrated on Exhibit 2K in the ALUCP and shown in the table, a majority of land within this area is designated for Open land uses, which includes areas of timber preserve that surround the airport. The remaining designations include Rural Residential, Commercial, Industrial, Public, Agricultural and Tribal lands, which are consistent with the existing development patterns for this area.

6. Zoning:

Jack McNamara Field

Table 2B in the ALUCP summarizes the zoning designation by acreage for the area within the vicinity of Jack McNamara Field. As of July 2016, zoning information for Del Norte County is not available in a digital mapping format. The information presented in this table was digitized from scans of paper maps and limited to the areas within Zones 1-5. As indicated in the table, portions of land within the vicinity of the airport are within the City of Crescent City and some are within unincorporated Del Norte County. As indicated in the table and illustrated on Exhibit 2C of the ALUCP, much of the land near the airport is zoned as Resource Conservation Area. This is followed by areas zoned as Airport, Public Facility, and Single Family Residential. The remaining areas are zoned with a mix of Residential, Commercial, and Industrial uses. Additional land is identified as an area of natural hazard.

Ward Field

Exhibit 2F of the ALUCP includes zoning information for the area surrounding Ward Field. The information presented in Table 2E of the ALUCP was digitized from scans of paper maps and limited to the areas within Zones 1-5. Based on the information available, the largest portion of the study area is identified as Residential and Agricultural, followed by Light Commercial, Planned Community, and Timberland Preserve.

Andy McBeth Airport

Exhibit 2J in the ALUCP includes zoning information for the area surrounding Andy McBeth Airport. The information presented in Table 2H in the ALUCP was digitized from scans of paper maps and limited to the areas within Zones 1-5. Based on the information available, the largest portion of the study area is identified as Flood Zone, followed by Single Family Residential, Light Commercial, and Forest Recreation.

7. Description of Project:

The proposed ALUCP is intended to protect and promote the safety and welfare of residents, business, and airport users near the airport, while supporting the continued operation of the public use airports within Del Norte County. Specifically, the plan seeks to protect the public from the adverse effects of airport noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

The ALUCP has been prepared with reference to, and is consistent with, guidance provided by the California Department of Transportation (Caltrans), Division of Aeronautics in the 2011 version of the *California Airport Land Use Planning Handbook* (Handbook) and all other relevant state and federal guidelines, criteria, and regulations.

Per the Caltrans' Handbook, the ALUCP does not apply to existing land use; in other words, the land use compatibility policies contained within the proposed ALUCP are not intended to remove existing incompatible land uses within the environs of the public use airports within Del Norte County. This includes development already planned for the area as evidenced by a vesting tentative map, a development agreement pursuant to California Government Code, Section 65866 that is in effect at the effective date of this ALUCP, or a valid building permit.

Chapter Four of the proposed ALUCP contains general and specific policies to implement the relevant provisions of the plan. Specifically, the plan includes the land use compatibility review process (Sections 4.2) and identifies allowable land uses and densities based on the projected twenty-year forecast noise exposure contours (Table 4B and Exhibits 4G, 4H, and 4J), safety zones (Table 4A), Part 77 surfaces (Section 4.3.3), other hazards to flight (Section 4.3.3.5), and overflights (Section 4.3.4). It is important to note that projects within the AIA that meet the compatibility criteria within this ALUCP are not approved. When reviewing project proposals in the AIA of each airport, there are three choices of action:

- Find the project consistent with the ALUCP.
- Find the project consistent with the ALUCP, subject to compliance with such conditions.
- Find the project inconsistent with the ALUCP.

Therefore, projects proposed within the AIA must also satisfy the requirements of CEQA before they can move forward.

Summary of Displacement Analysis

A displacement analysis was prepared to assess the potential for noise- and risk-sensitive land uses to be displaced to other areas after the land use agencies implement the ALUCP. The displacement analysis is included as Attachment A to this Initial Study. Based on the results of the Displacement Analysis, implementation of the ALUCP is not expected to result in displacement of future residential or non-residential development within the AIAs based on existing zoning designations, when combined with the ALUCP zones.

8. Surrounding Land Uses and Setting: **Briefly describe the project’s surroundings.**

Jack McNamara Field is located three miles northwest of Crescent City, serving as an important transportation route for business persons and tourists from outside the immediate region. Much of the land within the study area is classified as Public, which includes land within Tolowa Dunes State Park and the Lake Earl Wildlife Area. There is also a mix of privately owned, undeveloped lands, as well as residential and commercial developments.

Ward Field is located between the Smith River and US 199 in the unincorporated community of Gasquet, which is a small, rural community of 3,300 (Census). Much of the land surrounding the airport is mountainous and heavily forested with some low-density residential development surrounding the airport. The majority of the land is publicly owned, primarily made up of the Six Rivers National Forest. There are also some areas that are classified as mineral rights and timber preserve areas.

Andy McBeth Airport is located in the unincorporated community of Klamath Glen and the Yurok Tribe, near Highway 169. The airport is primarily surrounded by timber preserve areas, with some low-density residential to the north.

9. **Other Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement)**

None.

10. **Environmental Factors Potentially Affected:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or a “Less Than Significant with Mitigation Incorporated” impact as indicated by the checklist on the following pages.

- | | | |
|-------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

No Tribes have requested consultation as of the preparation of this initial study.

12. Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find the proposed project MAY have a significant effect(s) on the environment, but at least one effect: 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards; and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards; and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

5/12/2017

Date

Randy Hooper

Printed Name

**EVALUATION OF
ENVIRONMENTAL IMPACT**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than

significant level (mitigation measures from “Earlier Analyses,” as described in (5) below may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines, Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

ENVIRONMENTAL CHECKLIST

*Initial Study
Airport Land Use Compatibility Plan
for the County of Del Norte, California*

The following statement applies when considering all environmental factors discussed below: As previously discussed and documented in Attachment A, no displacement of development is anticipated due to the proposed ALUCP, and the ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts. The following discussions for all environmental factors discussed below, therefore, are based on impacts related to the implementation of policies contained within the proposed ALUCP.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state-designated scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

I a-c) No Impact. The Del Norte County General Plan (2003) mentions the preservation of scenic vistas as a priority for the County; citing the importance of providing public access to scenic vistas through scenic routes, scenic highways, and scenic byways. It also has a section dedicated to scenic resources in the County. The County has a general goal of preserving and enhancing the scenic quality of life in Del Norte County for both residents and visitors, which it aims to do through maintaining open views in highly scenic areas, discouraging littering, minimizing the alteration of natural landforms in scenic areas, and using selective timber cutting methods.

The Crescent City General Plan (2001) mentions the importance of preserving scenic vistas as a component of the open space element of the General Plan, as well as encouraging and maintaining the visual and scenic beauty of Crescent City. It aims to do this by protecting designated scenic resources and encouraging infill development versus green space development. The Plan also designates the major highways (101 North, 101 South and Front Street) to serve as scenic gateways to the City. The nearest scenic resource to the Jack McNamara Field is the west side of Pebble Beach Drive, which offers ocean views and off-shore rock views. The Point of Saint

George is the nearest scenic viewpoint to Jack McNamara Field, located west of the runway intersection.

Ward Field is located along the Smith River and Highway 199, which is a designated Federal Scenic Byway, as well as a recognized scenic corridor in the Del Norte County General Plan (2003). Ward Field is also located within the Smith River National Recreation Area.

The nearest recognized scenic corridors and viewpoints to Andy McBeth Airport are the Requa Hill Overlook and the Douglas Memorial Bridge Overlook. Highway 101, which runs north/south approximately two miles west of the airport, is also a designated scenic corridor by the Del Norte County General Plan (2003).

Given the proximity of some of the scenic vistas and corridors, there is likely to be less than a significant impact as a result of the ALUCP, as the document does not result in any physical changes or development than what already exists, thus not implicating any of the existing resources.

I d) No Impact. The Del Norte County General Plan (2003) cites several policies related to lighting that could affect views. The County encourages State facilities to use low-energy shielded lights that are directed downward to minimize nighttime glare. The County also requires lights in certain beach areas to be shielded and directed down and away from the ocean to minimize the impact of off shore reef and island habitats. Further, the County requires that all lighting for discretionary projects, including illuminated signs, be arranged so that there will be no annoying glare directed or reflected toward residence building or residence district.

Since the ALUCP does not propose any changes at any of the airports in Del Norte County, there will be no change in the amount of light emitted, thus causing no impact on surrounding natural resources.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
------------------------------------------------	---------------------------------------	-----------------------------------------------------------	-------------------------------------	------------------

II. AGRICULTURE AND FOREST RESOURCES:

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

II a-e) No Impact. The proposed ALUCP does not involve any physical changes or development within the AIA of any airport within Del Norte County. Thus, no prime farmland, unique farmland, or farmland of statewide importance will be converted to other uses, nor will any areas of forest land or timber preserves be changed or converted as a result of the proposed ALUCP. The details of the agricultural and forest zones for each airport are noted below.

At Jack McNamara Field, there are parcels of land zoned for agricultural uses near the airport, as well as timberland preserves.

At Ward Field, there are no areas zoned for agricultural uses in the vicinity of the airport, but there is a zone for timberland preserve slightly off airport property.

At Andy McBeth Airport, there are no areas zoned for agriculture or timber preserve, although there is a small zone reserved for forest recreation.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
------------------------------------------------	---------------------------------------	-----------------------------------------------------------	-------------------------------------	------------------

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations:

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the air basin is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

III a-e) No Impact. The proposed ALUCP does not involve any physical changes or development within the AIAs. Therefore, the proposed ALUCP would not conflict with or obstruct the implementation of North Coast Unified Air Quality Management District plans. Since this project does not involve any physical ground disturbance or development, it would not violate any air quality standards, result in an increase of any criteria pollutants, expose sensitive receptors to substantial pollutant concentrations, or create objectionable odors.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

IV a-e) No Impact.

The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIs. There is a Habitat Conservation Planning Permit (#767798) for Del Norte County which is used for forest management activities related to the threatened Northern Spotted Owl.¹ However, this species, as well as other sensitive or special status species, riparian habitat or other sensitive natural communities, or federally protected wetlands, would not be adversely affected by this ALUCP. Similarly, the project would not interfere with native resident or migratory fish or wildlife species, wildlife corridors, or wildlife nursery sites.

IV e-f) Less Than Significant Impact. The Del Norte County General Plan (2003) has a conservation element which addresses the conservation, development, and use of natural resources including water, soils, rivers and mineral deposits. The Plan also designates resource conservation areas within Del Norte County. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIs, though, so these conservation areas would not be affected. Other than the Habitat Conservation Planning Permit issued for the Northern Spotted Owl, there are no official County-wide habitat conservation plans in place.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in State CEQA 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

¹ <https://greendiamond.com/responsible-forestry/research/wildlife/>
<https://www.fws.gov/arcata/es/habconsplanning.html>

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

V a-d) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. Therefore, there would not be an adverse effect or change in significance due to the project on any historical, archaeological, or paleontological resource, unique geologic feature, or human remains.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VI. GEOLOGY AND SOILS				
Would the project:				
a) Exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

VI a) No Impact. Del Norte County is not within a State-designated Alquist-Priolo Earthquake Fault Zone²; thus, none of the airports (Jack McNamara, Ward Field or Andy McBeth) are affected. Del Norte County is not located within any fault zones, landslide and liquefaction zones, or earthquake fault zones, thus posing no threat to any of the airports³. The closest faults are the Grogan fault, located offshore and slightly diagonal to the Del Norte County coastline, the Little Salmon fault located south of Eureka in Humboldt County, and the Cascadia Subduction Zone located offshore⁴. In the Crescent City Environmental Impact Report (2001) it is noted that surface rupture and ground shaking related to earthquakes has potential to occur in Del Norte County, as well as liqufaction during earthquakes, landslides, and coastal erosion.

VI b-e) No Impact. The proposed ALUCP does not involve any physical changes or development within the AIAs. Therefore, the project would not result in substantial soil erosion or the loss of topsoil nor would it locate development on a geologic unit or soil that is unstable, that could become unstable as a result of the project, or is expansive. Since no development would occur due to the ALUCP, the discussion in VI e) regarding septic tanks or alternative waste water disposal systems is not applicable.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VII. GREENHOUSE GAS EMISSIONS				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

VII a-b) No Impact. As discussed in Checklist Item III, the AIAs are located within the jurisdiction of the North Coast Unified Air Quality Management District. The proposed ALUCP does not

² http://www.conservation.ca.gov/cgs/rghm/ap/Pages/official_release.aspx

³ <http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>

⁴ Crescent City Environmental Impact Report, May 21, 2001

involve any physical changes or development within the AIAs. Therefore, the proposed ALUCP would not generate greenhouse gas (GHG) emissions nor would it conflict with any efforts on behalf of the North Coast Unified Air Quality Management District plans.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
VIII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

VIII a-d) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. Therefore, the project would not result in a significant hazard to the public from the transport, use, disposal, or accidental release of hazardous materials.

VIII e) No Impact. The proposed ALUCP establishes policies to reduce hazards to aircraft in flight and to reduce the severity of the consequences of aircraft accidents within the proposed safety zones. Thus, through implementation of the proposed ALUCP, the safety hazard for people residing or working in the proposed Del Norte County AIAs would be less than what otherwise might occur. This is consistent with the objectives of the *State Aeronautics Act*.

VIII f) No Impact. The question in VIII f) regarding private airstrips is not applicable since the proposed ALUCP is tied to public airports, (i.e., Jack McNamara Field, Ward Field, and Andy McBeth Airport).

VIII g-h) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. In addition, any future development consistent with the proposed ALUCP would occur in conjunction with the County's Zoning Map and regulations and associated approval processes; therefore, no additional impact related to emergency response plans or evacuation plans would occur. The proposed ALUCP would not expose additional people to wildland fires.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
IX. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

IX a-i) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. Therefore, the project would not result in the violation of any water quality or waste discharge standards, the depletion of ground water resources or interference with ground water recharge, the alteration of existing drainage patterns or streams, or the creation of additional runoff water. No degradation of water quality would occur as a result of the project.

In addition, since no development would occur due to the ALUCP, no housing would be placed within a 100-year flood hazard area. Any future residential development occurring within the AIAs would be subject to the existing zoning and land use designations already in place within the County and would be subject to the County's Flood Damage Prevention Code (Title 20, Chapter 47, Section 40), which requires the establishment of a Development Permit within any area of special floods. Del Norte County also has a Flood Damage Prevention Code in their Coastal Zoning Code (Title 21, Chapter 45, Section 40) that requires a development permit be obtained prior to any construction or other development within any area of special flood hazards. The Local Coastal Plan (LCP) provides a range of allowable uses consistent with the intent of the designation. The LCP provides a matrix which indicates what zoning districts are considered consistent with the specified Coastal Land Use Plan land use designations (Table 1-1, Local Coastal Plan Extract Policy Document 2011).

IX j) No Impact. The Crescent City Environmental Impact Report (2001) cites that tsunami runup, generated by seismic events, have potential to occur in Del Norte County. The EIR also states the additional development would put Crescent City, specifically Jack McNamara Field, at risk for inundation by seiche or mudflow. However, since the proposed ALUCP does not propose any future development, the potential for inundation by seiche, tsunami, or mudflow would not be impacted by this project⁵.

⁵ Crescent City Environmental Impact Report, May 21, 2001

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
X. LAND USE AND PLANNING				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

X a-b) No Impact. No displacement of development is anticipated due to the proposed ALUCP (see *Attachment A of this Initial Study*). The proposed ALUCP does not involve any physical changes or development within the AIAs. Therefore, the project would not result in the physical division of any established communities. The additional safety-related restrictions that are proposed within the ALUCP would not change the underlying zoning and land use designations within the AIAs. Thus, any future development occurring within the AIAs would be subject to the existing zoning and land use designations already in place.

X c) No Impact. As discussed in Checklist Item IV f), there is no formal Habitat Conservation Plan other than the Habitat Conservation Planning Permit issued for the Northern Spotted Owl. Therefore, no adopted conservation plans would be affected by the proposed ALUCP.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XI. MINERAL RESOURCES				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

The ALUCP itself would not result in any physical changes or development; therefore, thresholds of significance are only stated for the resource categories with potential indirect impacts.

Impact Analysis

XI a-b) No Impact. Extraction of aggregate mineral resources make up the majority of mining activities in Del Norte County. Sand and gravel are obtained from river, terrace, and beach deposits. Aggregate mining activities occur primarily along the lower Smith River, with some activity on the Klamath River and its tributaries (Del Norte County General Plan, 2003). Jack McNamara Field would be most affected by mining activities taking place along sandy areas as it is located along the coastline. Ward Field, which lies along the Smith River, and Andy McBeth Airport which is along the Klamath River, may be nearby some aggregate mining activities. However, the proposed ALUCP does not authorize any development or activities that would interfere with or disrupt existing mining of mineral resources in any of the three AIAs.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XII. NOISE				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

XII a) No Impact. The proposed ALUCP is intended to complement the existing General Plan or other noise ordinances or standards by specifically addressing the potential noise of the airports in Del Norte County. Land use compatibility policies as they relate to noise can be found in Section 4.3.2 of the Del Norte County ALUCP. Standard residential land uses are considered conditionally compatible in areas exposed to noise levels between 60-64 CNEL if the following criteria are met:

- Fair disclosure statement required as a condition of development approval or building permit issuance.
- Avigation easement required as a condition of development approval or building permit issuance.
- Sound insulation required to reduce interior to exterior noise levels by at least 25dB.

Within the CNEL 65-70 dB range, dwellings are incompatible and would not be allowable, although exceptions for infill development of this type may be allowed per ALUCP policy defined in Section 4.1.5.3. Within the CNEL 75 dB contour, all residential, public/institutional uses, and commercial uses are incompatible and would not be allowable. Industrial and Agricultural uses are compatible within the CNEL 75 dB contour.

XII b-d) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. Therefore, ground-borne vibration or noise would not be generated by the project nor would there be a temporary or periodic increase in ambient noise, such as what might occur during the construction of a new development project.

XII e-f) No Impact. These checklist categories are not applicable to the proposed project since it is a planning project, not a development project. These checklist items refer to actual projects located in the vicinity of a public or private airport.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIII. POPULATION AND HOUSING				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

No displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**), and the ALUCP itself would not result in any physical changes or development. However, shifts in the density of residential development could occur as a result of the new restrictions placed on land within the proposed AIA. The following discussion, therefore, is based on both direct and indirect impacts related to the implementation of policies contained within the proposed plan.

XIII a) No Impact. Future residential and non-residential development has been planned for in the Del Norte County General Plan (2003) and the Crescent City General Plan (2001). Thus, any potential increase in population or non-residential growth would have a less than significant effect on public service ratios, response times, or other public service performance objectives.

The proposed ALUCP itself is not a development plan (i.e., no specific land uses are designated for any particular parcel or parcels). Whether actual development would occur as a result of the proposed ALUCP would depend on the actual need for development; the rate, timing, location and extent of development; economic and market conditions; the nature and type of the project or projects; and project-level impacts to the environment and associated mitigation. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under CEQA. (See California Code of Regulations, Title 14, §15145).

XIII b,c) No Impact. No direct or indirect displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**). The land use compatibility policies contained within the proposed ALUCP are not intended to remove existing incompatible land uses within the airport environs. This includes development already planned for the area as evidenced by a vesting tentative map, a development agreement pursuant to California Government Code, Section 65866 that is in effect at the effective date of this ALUCP, or a valid building permit.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XIV. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

No displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**), and the ALUCP itself would not result in any physical changes or development. The following discussion, therefore, is based on impacts related to the implementation of policies contained within the proposed plan.

XIV a-e) No Impact. Both the additional residential and non-residential development has been planned for within the Crescent City and Del Norte County General Plan and is also included on the respective Zoning Maps. Thus, any potential increase in population or non-residential growth would have a less than significant effect on public service ratios, response times, or other public service performance objectives.

The proposed ALUCP itself is not a development plan, (i.e., no specific land uses are designated for any particular parcel or parcels). Whether actual development would occur as a result of the proposed ALUCP would depend on the actual need for development, the rate, timing, location and extent of development, economic and market conditions, the nature and type of the project or projects, and project-level impacts to the environment and associated mitigation. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under CEQA. (See California Code of Regulations, Title 14, §15145.)

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use

development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

No displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**), and the ALUCP itself would not result in any physical changes or development. The following discussion, therefore, is based on impacts related to the implementation of policies contained within the proposed plan.

XV a) No Impact. Future residential and non-residential development has been planned for in the Del Norte County General Plan (2003) and the Crescent City General Plan (2001). Thus, any potential increase in population or non-residential growth would have a less than significant effect on public service ratios, response times, or other public service performance objectives. Non-residential development does not typically generate a demand for parks or other recreational facilities.

The proposed ALUCP itself is not a development plan, (i.e., no specific land uses are designated for any particular parcel or parcels). Whether actual development would occur as a result of the proposed ALUCP would depend on the actual need for development, the rate, timing, location and extent of development, economic and market conditions, the nature and type of the project or projects, and project-level impacts to the environment and associated mitigation. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under CEQA. (See California Code of Regulations, Title 14, §15145.)

XV b) No Impact. The proposed ALUCP does not include the construction or expansion of recreational facilities. There are no physical changes or development involved in its implementation.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVI. TRANSPORTATION/TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

No displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**), and the ALUCP itself would not result in any physical changes or development. The following discussion, therefore, is based on impacts related to the implementation of policies contained within the proposed plan.

XVI a,b,f) No Impact. Future residential and non-residential development has been planned for in the Del Norte County General Plan (2003) and the Crescent City General Plan (2001). The proposed ALUCP itself does not involve any physical changes or development within the AIA. Thus, there would not be an increase in demand on the existing or future circulation system within the AIAs that has not already been planned for by the County. The ALUCP would not conflict with applicable regional or County transportation policies or congestion management plans.

XVI c) No Impact. Implementation of the proposed ALUCP would not change the air traffic patterns for the three airports; rather, it analyzes the noise and safety zones for the airports based on existing traffic patterns.

XVI d,e) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs; no changes to the design of roadways or public transit or emergency access routes within the AIAs would result from the project.

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVII. UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Thresholds of Significance

A significant impact for land use would occur if implementation of the ALUCP would displace residential or non-residential land uses from areas within the AIAs as a result of the noise, safety, airspace, or overflight policies. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population. By restricting development in parts of the AIA, there is the potential for increased pressure for growth and development in other areas. If this land use development were to occur, potential environmental impacts arising from increased traffic and associated air quality and noise impacts could occur.

Impact Analysis

No displacement of development is anticipated due to the proposed ALUCP (**see Attachment A of this Initial Study**), and the ALUCP itself would not result in any physical changes or development. The following discussion, therefore, is based on impacts related to the implementation of policies contained within the proposed plan.

XVII a-g) No Impact. In addition, the proposed ALUCP itself is not a development plan (i.e., no specific land uses are designated for any particular parcel or parcels). Whether actual development would occur as a result of the proposed ALUCP would depend on the actual need for development; the rate, timing, location and extent of development; economic and market conditions; the nature and type of the project or projects; and project-level impacts to the environment and associated mitigation. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under CEQA. (See California Code of Regulations, Title 14, §15145.)

<i>Issues (Supporting Information Sources)</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
XVIII. MANDATORY FINDING OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

Impact Analysis

XVIII a) No Impact. The ALUCP does not involve any physical changes or development within the proposed Del Norte County AIAs. Therefore, no impacts to biological or cultural resources would occur.

XVIII b) Less Than Significant Impact. The proposed policies of the ALUCP would be applied in conjunction with other Crescent City and Del Norte County policies and regulations, including but not limited to, the LCP, General Plan, zoning codes, and overlay designations. The ALUCP policies, while in some cases more restrictive in terms of land use density, only apply to future development within the proposed AIAs. Overall, no displacement of development is anticipated due to the proposed ALUCP. As discussed in this Initial Study, no significant impacts, cumulative or otherwise, would result from implementation of the proposed ALUCP.

XVIII c) Less Than Significant Impact. The proposed ALUCP establishes policies to reduce hazards to aircraft in flight and to reduce the severity of the consequences of aircraft accidents within the proposed safety zones. Thus, through implementation of the proposed ALUCP, the safety hazards for people residing or working in the AIAs would be less than what otherwise might occur and is, therefore, less than significant.

Initial Study

**DOCUMENT PREPARERS
AND REFERENCES**

*Airport Land Use Compatibility Plan
for the County of Del Norte, California*

LIST OF PREPARERS:

Project Sponsor

County of Del Norte California
981 H Street
Crescent City, CA 95531

Project Manager: Randy Hooper

Environmental Consultants

Coffman Associates
237 NW Blue Parkway, Suite 100
Lee's Summit, MO 64063

Lead Planner/Project Manager: David Fitz
CEQA/Environmental Analysis: Kory Lewis
Tresa Carter
Displacement/Land Use Analysis: Kory Lewis
GIS Technician: Chris Donnelly

LIST OF REFERENCES:

California Code of Regulations.

California Department of Conservation. CGS Information Warehouse: Regulator Maps. Accessed via:

<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>

California Department of Conservation. Release of Official Maps of Earthquake Fault Zones. June 10, 2016. Accessed via:

http://www.conservation.ca.gov/cgs/rghm/ap/Pages/official_release.aspx

City of Crescent City General Plan. May 21, 2001.

Crescent City Environmental Impact Report. May 21, 2001.

Del Norte County General Plan. January 28, 2003.

Green Diamond Resource Company. Wildlife Research on the Northern Spotted Owl. Accessed via: <https://greendiamond.com/responsible-forestry/research/wildlife/>

Local Coastal Plan Extract Policy Document. 2011.

Natural Resources Conservation Service Web Soil Survey. Access via:

<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

State of California Department of Transportation (Caltrans), Division of Aeronautics. *California Airport Land Use Planning Handbook*. October 2011.

U.S. Fish and Wildlife. Arcata Fish & Wildlife Office, Endangered Species Program. Accessed via:

<https://www.fws.gov/arcata/es/habconsplanning.html>

Attachment A

DISPLACEMENT ANALYSIS

INTRODUCTION

The Airport Land Use Compatibility Plan (ALUCP) for Del Norte County includes policies to protect the public from the adverse effects of airport noise; to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents; and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace. The ALUCP provides this protection by limiting/restricting future noise and risk-sensitive land use development within the airport influence areas (AIA) for the three public use airports in Del Norte County based on the location of noise, safety, and height zones. It should be noted that the ALUCP does not affect or remove existing incompatible uses from the AIA.

The State of California grants the authority of land use regulation to local governments and this is accomplished through the use of general plans and zoning ordinances. California law also requires local governments to make their general plans and zoning regulations consistent with an ALUCP within 180 days of adoption. As previously mentioned, ALUCP policies and criteria limit or restrict development in parts of the AIA that may otherwise be allowed under local general plans and zoning. This analysis assesses the potential noise and risk-sensitive land uses that may be displaced to other areas after implementation of the ALUCP.

Environmental impacts from the displacement of future land uses from one area to another may occur within the AIAs. Potential environmental effects associated with displaced development may include changes in land use patterns and associated shifts in the distribution and concentration of population.

Whether actual shifts in development would occur as a result of the proposed ALUCP would depend on the actual need for development; the rate, timing, location and extent of development; economic and market conditions; the nature and type of the project or projects; and project-level impacts to the environment and associated mitigation. Attempts to accurately forecast the actual effects of potential future shifts in land use development and population are subject to considerable uncertainty. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under the California Environmental Quality Act (CEQA). (See California Code of Regulations, Title 14, §15145.)

As previously stated, future development, whether or not it is displaced, would be subject to the zoning and permitting authority of the local agencies (Crescent City or Del Norte County). Under CEQA, the environmental impacts arising from future development projects would have to be specifically considered in the environmental documents prepared for those projects as conditions of permit issuance. Thus, it is unlikely that any potential environmental impacts from future projects would avoid appropriate environmental review at the project level. An important purpose of this analysis of potential development displacement is that it will inform local agencies of the potential for displaced development and associated consequences, enabling them to plan accordingly.

Future development displacement is determined by comparing the Baseline Condition for undeveloped parcels to the proposed ALUCP. For the purposes of this analysis, the Baseline Condition is defined as the maximum allowable development given the current general plan and zoning designations for the undeveloped parcels within the respective AIAs. Undeveloped parcels are defined as vacant parcels that are zoned or planned for residential, commercial, institutional, or industrial land uses. The vacant parcel information is derived from the land use discussion and mapping presented in Chapter Two of the ALUCP. **Exhibits A1, A2, and A3** depict the undeveloped parcels within the AIA for Jack McNamara Field, Ward Field, and Andy McBeth Airport for the purposes of this analysis.

To determine potential future development displacement, each parcel is classified in the geographical information system (GIS) with its general plan and zoning designations, noise exposure contour level, safety zone, and airspace height limits. A series of database queries provides the number of residential dwelling units and acres of non-residential development that is allowed under the current general plan and zoning designations. These development totals are then compared to what would be compatible with the ALUCP policies. The difference between these two calculations quantifies the potential development displacement.

For the purposes of this analysis, only portions of those parcels within Zone 1 (Runway Protection Zone or RPZ), Zone 2, 2A (Inner Approach/Departure Zone or IADZ), Zone 3 (Inner Turning Zone or ITZ), Zone 4, 4A, 4B (Outer Approach/Departure Zone or OADZ), and Zone 5 (Sideline Safety Zone or SSZ) are included. Undeveloped parcels within Zone 6 are not included in the analysis due to the absence of maximum residential densities within these zones as specified in Table 4A of the ALUCP; therefore, displacement would not occur in these areas. Additionally, with regard to non-residential displacement, the only type of land use which should be avoided within the AIA is outdoor stadiums or other high intensity uses with more than 300 people per acre. Based on a review of local land use plans and the lack of contiguous undeveloped areas near the airports, there are no potential sites within the AIAs that could be developed as an outdoor stadium.

SAFETY POLICIES

Jack McNamara Field

Exhibit A1 depicts the location of the undeveloped parcels within Zones 1, 2A, 3, 4A, 4B, and 5 for Jack McNamara Field.

General Plan

Table A1 summarizes the undeveloped acreages within the safety zone by *Del Norte County General Plan* designation for Zones 1, 3, 2A, 4A, and 5 and the *Crescent City General Plan* designations for Zone 4B. As indicated in the table, the following general plan designations are present:

Natural Hazard, Resource Conservation Area, Suburban Residential, Multi-Family Residential, and Urban Residential. These designations are described in the *Del Norte County General Plan* as follows:

Resource Conservation Area – This designation applies to sensitive habitat areas, including coastal estuaries, coastal sand dunes, coastal wetlands, farmed wetlands, and riparian corridors. No single-family residences or other structures shall be permitted within an RCA area, unless it would result in denial of substantially all reasonable use of the parcel of land.

Natural Hazard – The Natural Hazard designation identifies those areas where land development capability should be limited due to natural hazard risks previously identified by special studies, other elements of this Plan and/or the public review process, such as seismic or flooding risk areas.

Suburban Residential – The Suburban Residential classification provides for residential areas within or adjacent to the urban areas that have few or no community services or where only public water is available. The principal use in these areas is single-family residential with densities of up to two dwelling units per acre.

Multi-Family Residential – This designation provides for moderate-density residential development, generally duplexes and multiple dwelling complexes. The *Del Norte County General Plan* density for these areas is between six and fifteen dwelling units per acre. While multi-family dwellings are the principal use, conditional use permits may also be considered for hotels, hospitals, assisted care facilities, professional offices, and small public facilities.

Urban Residential – This designation is intended to provide for residential areas within the urban area where community sewer or an equivalent is available or is nearby. The density for areas designated Urban Residential is between two and six dwelling units per acre.

The *Crescent City General Plan* designations are described as follows:

Business-Professional – The intent of this designation is to serve as a transition between residential and commercial land uses. The uses in these areas primarily include administrative, business, and professional offices. The maximum floor area ratio (FAR) for these areas is 0.85.

Floor area ratio is an expression of a building's gross floor area in relation to the size of the building site.

Multi-Family Residential – This designation provides for moderate-density residential development, generally duplexes and multiple dwelling complexes. The *Crescent City General Plan* density for these areas is between six and fifteen dwelling units per acre. While multi-family dwellings are the principal use, conditional use permits may also be considered for hotels, hospitals, assisted care facilities, professional offices, and small public facilities.

Road/ROW – This land is occupied or intended to be occupied by transportation or public use facilities such as roadways, railroads, and utilities.

Single-Family Residential – This designation provides for very low to low density residential development within the urban boundary. Density may not exceed two dwelling units per acre. The principal use is single family residential with accessory buildings and home occupations.

TABLE A1
General Plan and ALUCP Safety Zone Summary
Jack McNamara Field

ALUCP Safety Zone	General Plan Designation	Acres
Zone 1	Resource Conservation Area	10.77
Zone 1	Suburban Residential	32.55
Zone 1	Urban Residential	9.07
Zone 2A	Multi-Family Residential	0.17
Zone 2A	Resource Conservation Area	1.76
Zone 2A	Urban Residential	9.49
Zone 3	Multi-Family Residential	0.31
Zone 3	Natural Hazard	1.23
Zone 3	Resource Conservation Area	16.86
Zone 3	Suburban Residential	10.39
Zone 3	Urban Residential	11.59
Zone 4A	Urban Residential	1.56
Zone 4B	Business-Professional	0.76
Zone 4B	Multi-Family Residential	0.16
Zone 4B	Road/ROW	0.07
Zone 4B	Single-Family Residential	0.29
Zone 5	Suburban Residential	5.72
Zone 5	Resource Conservation Area	0.02
Total		112.77

The areas within Zone 1 are identified on the Airport Layout Plan (ALP) as land that will be acquired to accommodate a future runway extension to the southeast. As discussed in Chapter One of the ALUCP, the ALP is a graphic representation of the current and long term facilities for an airport. These are

generally required for airports seeking federal assistance for the implementation of airport improvements. The airport master plan or other narrative report typically accompanies the drawing or plans to provide justification for the proposed developments. An ALP generally is used as the basis for developing airport land use compatibility zones within ALUCPs as they reflect the 20-year development horizon for an airport. As outlined in the Public Utilities Code 21675[a], the ALUCP, "shall be based on an airport layout plan...that reflects the anticipated growth of the airport during at least the next 20 years." Upon completion, the ALP is sent to the FAA for review and approval. The Border Coast Regional Airport Authority submitted the Jack McNamara Field ALP to the FAA, which approved the drawing in March 2014. As the ALP reflects the community's long range plan for the airport, which includes acquisition of these areas, it is assumed that no displacement of development from Zone 1 will occur as a result of adoption of the ALUCP.

The Resource Conservation Area designation is intended to protect sensitive habitat and the Natural Hazard designated is intended to protect areas that may be subject to flooding. For the purposes of this analysis, it is assumed that these areas are unsuitable for development. Therefore, no displacement of planned land uses with these designations from Zone 1, 2A, 3, or 5 for Jack McNamara Field will occur.

The portions of the undeveloped parcels that are planned for Multi-Family Residential within Zone 3 have been eliminated from the displacement analysis due to the following conditions. Portions of two parcels within Zone 3 are less than 0.1 acre and are part of larger parcels on which multi-family development could occur outside of the safety zone. A third parcel meets the infill development conditions specified in Policy 4.1.5.3, which allows for development of vacant or underutilized land within areas that are already largely developed or used more intensively. Based on these assumptions, no development would be displaced from the areas designated Multi-Family Residential within Zone 3.

As discussed in Policy 4.3.1, due to the limited availability of privately owned land within Del Norte County and the existing level of development in these privately owned areas, additional sub-zones (Zone 2A, Zone 4A, and Zone 4B) have been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 2A, Zone 4A, and Zone 4B are based on Zone 2 and Zone 4, but separate safety compatibility criteria that allows no greater density or intensity than listed in the ALUCP in Table 4A, are allowed for these areas. The residential densities for Zone 4A are based on the 2003 *Del Norte County General Plan*. The residential densities for Zone 4B are based on the 2001 *Crescent City General Plan*. As the ALUCP density and intensity limitations for these areas are based on the existing general plans applicable to these areas, no displacement will occur.

There are approximately 16 acres planned for Suburban Residential and located within Safety Zones 3 and 5. The ALUCP indicates that residential density should be no greater than one dwelling unit per two acres for Zone 3 and one dwelling unit per acre within Zone 5. For the purposes of this analysis, it is assumed that construction of a single-family residence, including a second dwelling unit, is allowed on a legal lot of record if permitted by the local agency as outlined in Policy 4.1.5.4 of the ALUCP. Therefore, displacement of single family residences from parcels planned for Suburban Residential would not occur. However, development on these parcels may be subject to conditions, such as sound attenuation, avigation easement, and airspace protection policies, outlined in other portions of the ALUCP.

The remaining areas under consideration for the purposes of this analysis are those which are identified as Urban Residential and located within Safety Zone 3. As outlined in Table 4A, the maximum residential density for Zone 3 is one dwelling unit per two acres. In comparison, the Urban Residential designation density is between two and six dwelling units per acre. Based on a review of the existing undeveloped Urban Residential parcels, which are located in an existing developed area characterized by single-family detached dwellings, several meet the requirements for infill development outlined in Policy 4.1.5.3. The remaining parcels are less than one acre. Given the parking space requirements for higher density development, which increase with the number of dwelling units, the potential to construct six dwelling units on one of these parcels is limited. Additionally, the development by right conditions outlined in Policy 4.1.5.4 of the ALUCP and discussed above provide an opportunity for at least one dwelling unit per parcel. Based on these considerations, it is assumed that no residential development would be displaced following adoption of the ALUCP.

Zoning

Table A2 summarizes the zoning designations and ALUCP safety zones for the undeveloped parcels for Jack McNamara Field. As outlined in the table, the following zoning designations are present within the safety zones: Airport, Downtown Business Commercial, General Commercial, Low Density Multi-Family, Planned Community, Resource Conservation Area for areas within Del Norte County and Residential Professional, High Density Residential, and Low Density Residential within Crescent City.

Airport – The Airport zoning district is established for the purposes of promoting the health, safety, and general welfare of the inhabitants of Del Norte County by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the county airport and of occupants of the land in its vicinity, and preventing destruction and impairment of the utility of the airport and public investment therein. The ordinance regulates and restricts the height of structures and objects of natural growth and otherwise regulates the use of property in the vicinity of Jack McNamara Field.

Neighborhood Commercial – This district was established to promote the development of commercial uses which have been found to be compatible with residential land uses. These uses by their nature are small, non-intensive, quiet, and designed to be located within a residential neighborhood. There is no minimum lot area for this zoning district.

General Commercial – This district classification is intended to be applied to areas in which heavy commercial and light manufacturing uses of the non-nuisance type and large administrative facilities are the desired predominant uses. There is no minimum lot area for this zoning district if public or mutual water supply and sanitary sewers are available.

Low Density Multi-Family – This district classification is designed to be applied in areas having sufficient services to allow duplexes. The minimum lot size is 7,200 square feet and the maximum number of dwelling units is two per lot.

TABLE A2
Zoning and ALUCP Safety Zone Summary
Jack McNamara Field

ALUCP Safety Zone	General Plan Designation	Acres
Zone 1	Airport	8.19
Zone 1	General Commercial	0.39
Zone 1	Planned Community	32.47
Zone 1	Resource Conservation Area	11.34
Zone 2A	Planned Community	3.23
Zone 2A	Resource Conservation Area	4.56
Zone 2A	Single Family Residential	3.62
Zone 3	Neighborhood Commercial	0.61
Zone 3	General Commercial	1.43
Zone 3	Low Density Multi-Family	0.23
Zone 3	Planned Community	19.32
Zone 3	Resource Conservation Area	12.29
Zone 3	Single Family Residential	6.50
Zone 4A	Single Family Residential	1.56
Zone 4B	High Density Residential	0.18
Zone 4B	Residential Professional	0.27
Zone 4B	Low Density Residential	0.83
Zone 5	General Commercial	2.75
Zone 5	Planned Community	0.10
Zone 5	Resource Conservation Area	2.88
Zone 5	Single Family Residential	0.01
Total		112.77

As outlined in the Del Norte County Code, these zoning districts are described as follows:

Planned Community – The Planned Community district is applicable to parcels of land which are suitable for and of sufficient size to contain a planned development comprised of one or more land uses which are compatible. Permitted uses within the Planned Community are those which are allowed in the Low Density, Medium Density, High Density, and Highway Residential districts (R-1, R-2, R-3, and R-H), Neighborhood Commercial (C-I), Forest Recreation (F-R), and Timberland Preserve (T).

Resource Conservation Area – Resource conservation areas are those environmentally sensitive habitat areas which are identified by the General Plan Coastal Element as wetlands, farmed wetlands, riparian vegetation, estuary, and coastal sand dunes.

As outlined in the Crescent City Code of Ordinances, these zoning districts are described as follows:

Residential Professional – The purpose of this district is to provide transition between residential and commercial areas near the downtown core by providing for a mixture of residential and professional office uses. Permitted uses in this district include professional offices; one-, two- and multi-family dwelling units; and residential care facilities. The minimum lot size is 6,400 square feet for residential land uses and there is no minimum lot size for non-residential land uses in this district.

High Density Residential – The purpose of this district is to provide living areas within the city where development provides for high density concentrations of dwelling units together with specific ancillary and complementary uses. The minimum lot size for this district is 6,000 square feet.

Low Density Residential – The Low Density Residential district is intended to provide living areas within the city where development is limited to low density concentrations of one-family dwellings and where regulations are designed to: promote and encourage a suitable environment for family life, provide space for community facilities needed to complement urban residential areas, provide for the safety, health and general welfare of its inhabitants, and implement the general plan of the city.

The areas within Zone 1 are identified on the Airport Layout Plan (ALP) as land that will be acquired to accommodate a future runway extension to the southeast. As previously discussed, the ALP reflects the community's long range plan for the airport, which includes acquisition of these areas, and it is assumed that no displacement of development from Zone 1 will occur as a result of adoption of the ALUCP.

The Resource Conservation Area designation is intended to protect sensitive habitat. For the purposes of this analysis, it is assumed that these areas are unsuitable for development. Therefore, no displacement of development for land designated Resource Conservation Area from Zone 1, 2A, 3, or 5 for Jack McNamara Field will occur.

As discussed in Policy 4.3.1, due to the limited availability of privately owned land within Del Norte County and the existing level of development in these privately owned areas, additional sub-zones (Zone 2A, Zone 4A, and Zone 4B) have been established for land use compatibility criteria near Jack McNamara Field. The dimensions of Zone 2A, Zone 4A, and Zone 4B are based on Zone 2 and Zone 4, but separate safety compatibility criteria that allows no greater density or intensity than listed in this ALUCP in Table 4A, are allowed for these areas. The residential densities for Zone 4A are based on the 2003 *Del Norte County General Plan*. The residential densities for Zone 4B are based on the 2001 *Crescent City General Plan*. As the ALUCP density and intensity limitations for these areas are based on the existing general plans applicable to these areas, and the zoning designations are consistent with the general plans, no displacement will occur.

The remaining areas under consideration for the purposes of this analysis are those undeveloped parcels within Zones 3 and 5 designated as General Commercial, Planned Community, and Single Family

Residential and those areas within Zone 3 designated as Neighborhood Commercial and Low Density Multi-Family Residential.

As noted above, the Neighborhood Commercial and General Commercial designations do not have a minimum lot size for parcels with access to public water and sewer service. Additionally, these zoning designations do not provide performance standards to estimate the number people per acre that could be allowed; therefore, calculations to determine if the adoption of an intensity limitation (number of persons per acre) would result in displacement cannot be made. However, for comparative purposes, the *California Airport Land Use Planning Handbook* (Handbook) provides typical intensities for land uses similar to what is identified for the General Commercial designation. As outlined in Table 4E of the *California Airport Land Use Planning Handbook*, the typical intensity for small retail shops, restaurants, and local retail centers are, respectively, 20-30 people per acre and 65-85 people per acre. The intensity limitations as specified in Table 4A of the ALUCP are 210 people per acre for Zones 3 and 5. Based on this information, the types of land uses permitted in the Neighborhood and General Commercial zones could be developed in a manner consistent with the goals of the ALUCP. Therefore, no displacement would occur.

Approximately 19.4 undeveloped acres within Zones 3 and 5 are zoned Planned Community. Prior to development in these areas, and in accordance with Del Norte County Code, a project proponent must prepare a Development Plan which is submitted to the Del Norte County Planning Commission for review and approval. Currently, there are no approved planned community development plans for these areas, and any future development on this land would be subject to Airport Land Use Commission review. Therefore, no development on the parcels would be displaced as a result of ALUCP adoption.

There are approximately 6.5 acres zoned for Low Density Residential and located within Safety Zones 3 and 5. The ALUCP indicates that residential density should be no greater than one dwelling unit per two acres for Zone 3 and one dwelling unit per acre within Zone 5. For the purposes of this analysis, it is assumed that construction of a single-family residence, including a second dwelling unit, is allowed on a legal lot of record if permitted by the local agency as outlined in Policy 4.1.5.4 of the ALUCP. Therefore, displacement of single family residences from parcels planned for Suburban Residential would not occur. However, development on these parcels may be subject to conditions, such as sound attenuation, aviation easement, and airspace protection policies, outlined in other portions of the ALUCP.

Ward Field

Based on a review of the undeveloped areas identified for this analysis, approximately 61.80 acres, identified on **Exhibit A2**, within Del Norte County are subject to the ALUCP safety zones.

General Plan

Table A3 summarizes the undeveloped acreages within the safety zone by *Del Norte County General Plan* designation. As indicated in the table, the following general plan designations are present: Public Facility, Riparian Corridor, Resource Conservation Area, Visitor Serving Commercial, General Commercial, Rural Neighborhood, Rural Residential (1/1), and Rural Residential (1/5). These designations are summarized as follows:

Resource Conservation Area – *See description above under Jack McNamara Field.*

Visitor Serving Commercial – This designation is intended to cater to the need of visitors, particularly the highway traveler and users of the County's recreational resources and may be found in both rural and urban land areas. The minimum lot size for the purposes of division for sale, lease or financing is one acre. The principal permitted use shall include, but not be limited to, hotels, motels, restaurants, service stations, convenience stores, unique item shops, boat ramps, docks, and hunting and fishing resorts.

General Commercial – This designation is intended to provide for business areas with general commercial activities that provide rural communities and urban areas with goods, services, and jobs. The maximum floor area ratio (FAR) for commercial development is 0.75. The principal permitted uses under this designation include, but are not limited to, commercial activities, such as small retail sales and personal service shops; regional shopping and service centers; offices; food services; travel and transportation services, such as motels and gas stations; entertainment centers; recreation facilities; and medical centers and services, including convalescent hospitals.

Rural Residential (1/1) and Rural Residential 1/5) – These designations are intended to maintain the character of rural areas and to minimize the public services required by smaller lot development. Residential development density may range from one dwelling unit per one acre (1/1) to one dwelling unit per five acres (1/5).

Rural Neighborhood – This designation is intended to maintain areas that have developed historically with smaller lots or higher density residential development than those found in surrounding rural lands, including apartments or mobile home parks where full community services are not available. The purpose of this category is to keep existing pockets of such residential development from expanding into adjacent resource or other rural lands. The principal permitted use under the Rural Neighborhood designation is residential. The residential development density for areas with this designation is shown on the Land Use Diagram based upon existing density, lot size patterns, availability of public services, and physical conditions. Within the vicinity of Ward Field, the densities for the Rural Neighborhood areas are one dwelling unit per one acre (1/1), four dwelling units per one acre (4/1) and ten dwelling units per one acre (10/1).

TABLE A3
Del Norte County General Plan and ALUCP Safety Zone Summary
Ward Field

ALUCP Safety Zone	General Plan Designation	Acres
Zone 1	Public Facility	1.50
Zone 1	Rural Residential (1/1)	1.95
Zone 1	Visitor Serving Commercial	1.68
Zone 2	General Commercial	0.32
Zone 2	Public Facility	2.97
Zone 2	Riparian Corridor	0.96
Zone 2	Rural Neighborhood	1.52
Zone 2	Rural Residential (1/1)	6.91
Zone 2	Visitor Serving Commercial	4.43
Zone 3	Riparian Corridor	0.95
Zone 3	Rural Neighborhood	0.44
Zone 3	Rural Residential (1/1)	16.78
Zone 3	Visitor Serving Commercial	3.89
Zone 4	Resource Conservation Area	0.18
Zone 4	Riparian Corridor	0.93
Zone 4	Rural Residential (1/1)	0.34
Zone 4	Rural Residential (1/5)	8.05
Zone 5	Public Facility	1.73
Zone 5	Rural Neighborhood	4.08
Zone 5	Rural Residential (1/1)	2.18
Total		61.80

Within the ALUCP, Zone 1 includes a prohibition of all new structures and residential land uses. It should be noted that, in addition to the ALUCP, further guidance for the Runway Protection Zone (RPZ) is provided by the Federal Aviation Administration (FAA). In contrast to Zones 2-5, which are based on guidance from the *California Airport Land Use Compatibility Handbook*, Zone 1 is drawn based on the airport's RPZ as described in FAA Advisory Circular 150/5300-13A, *Airport Design* (AC 5300-13). Paragraph 310 of AC 5300-13A states that the purpose of the RPZ is to, "enhance the protection of people and property on the ground." FAA released interim guidance on land uses within the RPZ on September 27, 2012, which addresses new or modified land uses within the RPZ. Under this guidance, consultation with FAA is required when buildings, such as residences, schools, churches, hospitals, or other medical care facilities or commercial/industrial buildings would enter the RPZ as a result of one of the following actions:

- An airfield project (e.g., runway extension, runway shift)
- A change in the critical design aircraft that increases the RPZ dimensions
- A new or revised instrument approach procedure that increases the RPZ dimensions
- A local development proposal in the RPZ (either new or reconfigured)

Prior to consulting with FAA, documentation of alternatives that could: a) avoid introducing the land use issue within the RPZ; b) minimize the impact of the land use in the RPZ (i.e., routing a new roadway through the controlled activity area, move farther away from the runway end, etc.) or c) mitigate risk to people and property on the ground (i.e., tunneling, depressing and/or protecting a roadway through the RPZ, implement operational measures to mitigate any risks, etc.); is needed.

Although the adoption of the ALUCP would limit development on undeveloped parcels within Zone 1/RPZ), the coordination requirements and guidance from FAA currently apply to these areas. Therefore, adoption of the ALUCP would not displace planned development within Zone 1.

As previously discussed, areas designated as Riparian Corridor contain vegetation immediately adjacent and contiguous to a natural water course. Additionally, the Resource Conservation Area designation is intended to protect sensitive habitat. For the purposes of this analysis, it is assumed that these areas are unsuitable for development. Therefore, no displacement of development from Zones 2, 3, 4 or 5 for Andy Ward Field will occur.

As noted in the table, 5.1 acres within Zone 1 land are designated within the *Del Norte County General Plan* as a combination of Public Facility, Rural Residential, and Visitor Serving Commercial. The lands designated as Public Facility are privately owned, but are associated with the Ward Field Public Facility land use designation. The Rural Residential (1/1) is intended for rural residential development with a minimum lot size of one acre. The Visitor Serving Commercial designation has a minimum lot size of one acre, with no maximum intensity specified, and is intended to accommodate uses, such as hotels, motels, restaurants, service stations, convenience stores, unique item shops, boat ramps, docks, and hunting and fishing resorts.

As noted in Table A3, the *Del Norte County General Plan* designations for the undeveloped land within Zone 2 include Public Facility, Rural Neighborhood, Rural Residential (1/1), General Commercial, and Visitor Serving Commercial.

Similar to Zone 1, there are portions of Zones 2 and 5 which are privately owned, but fall within the Public Facility designation for Ward Field. This includes approximately three acres of land west of the airport. Although there are no performance standards to make a comparison for displacement analysis purposes, it is assumed that because the lands are within the Ward Field Public Facility Area, no displacement would occur.

Within Zones 2, 3, 4 and 5, portions of multiple undeveloped parcels are designed Rural Neighborhood (2/1), (4/1) and 10/1) and Rural Residential (1/1). Both of these designations allow densities greater than what is allowed under the ALUCP 2, which indicates that residential density should be no greater than one dwelling unit per ten acres in Zone 2, one dwelling unit per two acres for Zones 3 and 4, and one dwelling unit per acre within Zone 5. For the purposes of this analysis, it is assumed that construction of a single-family residence, including a second dwelling unit, is allowed on a legal lot of record if permitted by the local agency as outlined in Policy 4.1.5.4 of the ALUCP. Therefore, displacement of single family residences from these parcels would not occur. However, development on these parcels may be subject to conditions, such as sound attenuation, avigation easement, and airspace protection policies, outlined in other portions of the ALUCP.

Undeveloped land within Zone 2 for Ward Field is designated General Commercial (0.32 acres). As noted above, the General Commercial designation has a maximum FAR of 0.75. In contrast, the ALUCP uses the maximum intensity, which is an expression of the number of people allowed per acre. For the purposes of this analysis, the calculation presented in **Table A4** was made to estimate the FAR of a one-story building on the site, assuming parking and setbacks to accommodate maximum number of people allowed under the ALUCP intensity limitation. Displacement would not occur as the FAR of building that could accommodate the maximum number of people allowed on the site is below 0.75. It should be noted that when the number of people on the site increases, the number of parking spaces needed also increases, which decreases the amount of space for the building footprint. Based on the calculations described in **Table A4**, adoption of the ALUCP would not displace planned development within Zone 2 designated as General Commercial in the *Del Norte County General Plan*.

TABLE A4
ALUCP Zone 2
Displacement Calculation

Line	Description	Value
Line 1	Site Area Square Feet (acres)	13,821 (0.32 acres)
Line 2	ALUCP Maximum Intensity (People/Acre)	80
Line 3	Maximum People Allowed (Line 1 x Line 2)	25.4
Line 4	Vehicle Occupancy Per Vehicle Mile by Daily Trip Purpose (all personal trips)	1.63
Line 5	Approximate Number of Parking Stalls Needed	15.6
Line 6	Area Required for Parking Stalls (Square Feet)	4827.4
Line 7	Assumption for Setbacks, Landscaping	15%
Line 8	Setback, Landscaping Area (Square Feet)	2073.1
Line 9	Building Footprint Area (Square Feet) (Line 1 – Line 6 – Line 8)	6920.4
Line 10	Number of Stories	1
Line 11	Approximate Gross Building Area (Square Feet) (Line 9 x Line 10)	6920.4
Line 12	FAR (Line 11 / Line 1)	0.50

Notes:

- To estimate the maximum number of parking spaces that would be needed (Line 5), the maximum people allowed on the site (Line 3) was divided by the number of people per vehicle (Line 4). The number of people per vehicle is taken from the U.S. Department of Transportation National Household Travel Survey daily trip file.
- The parking stall area is based on the following assumptions. The width of each space is 10 feet and the depth of each space is 19 feet. An additional 12 feet has been added to the depth to approximate the amount of space needed for the parking lane behind each space. The calculation is as follows: 10 x (19+12) = 310 square feet per stall. The total parking lot area is calculated by multiplying the number of parking spaces (Line 5) by the parking area per space (Line 8). This is the total portion of the site that is reserved for the parking lot.

Source: Coffman Associates analysis.

The remaining undeveloped land within Zone 2 is designated Visitor Serving Commercial, which allows a minimum lot size of one acre, but does not provide a limitation on the number of people allowed per acre or site. Suggested uses for these areas include hotels, motels, restaurants, service stations, convenience stores, unique item shops, boat ramps, docks, and hunting and fishing resorts. As noted in Table 4A of the ALUCP, none of these land uses are specifically prohibited for these ALUCP zones. As the *Del Norte County General Plan* does not provide performance standards to estimate the number of people per acre that could be allowed, calculations to determine if the adoption of an intensity limitation (number of persons per acre) would result in displacement cannot be made. However, for comparative purposes, the *California Airport Land Use Planning Handbook* provides typical intensities for land uses similar to what is identified for the Visitor Serving Commercial designation. As outlined in Table 4E of the *California Airport Land Use Planning Handbook*, the typical intensity for small retail shops, restaurants, and motels are, respectively, 20-30 people per acre, 90-120 people per acre, and 40-60 people per acre. The intensity limitations as specified in Table 4A of the ALUCP are 80 people per acre for Zone 2, 210 people per acre for Zones 3 and 5, and 300 people per acre for Zone 4. Based on this information, the types of land uses detailed in the *Del Norte County General Plan* for the Visitor Serving Commercial could be developed in a manner consistent with the goals of the ALUCP. Therefore, no displacement would occur.

Zoning

As summarized in **Table A5**, undeveloped parcels within the ALUCP safety zones for Ward Field are zoned either Light Commercial, Planned Community, or Residential and Agricultural.

These zoning districts are summarized as follows.

Light Commercial – Permitted uses within the Light Commercial zoning district include hotels, motels, clubs and lodge halls, hospitals, sanitariums and clinics, retail, and agriculture on one or more acres. The minimum lot size for the Light Commercial district is 12,000 square feet and the maximum lot coverage is 100 percent if a public water supply and sanitary sewer system is available.

Planned Community – *See description above under Jack McNamara Field.*

Residential and Agricultural – The purposes of the Residential and Agricultural zoning districts are to promote the orderly development of suburban home sites and sprawling country-type multiple housing on parcels of land in the one- to five-acre category and to encourage a suitable environment for the development of rental units with space for family living and outdoor space for relaxation. The minimum lot size for these areas is one acre. Permitted uses within these areas include single-family dwellings, agriculture, nurseries and greenhouses, private stables and corrals, and animal husbandry.

TABLE A5
Del Norte County Zoning and ALUCP Safety Zone Summary
Ward Field

ALUCP Safety Zone	Zoning	Acreage
Zone 1	Light Commercial	1.90
Zone 1	Residential and Agricultural	3.24
Zone 2	Light Commercial	3.74
Zone 2	Planned Community	4.74
Zone 2	Residential and Agricultural	8.62
Zone 3	Light Commercial	1.50
Zone 3	Planned Community	3.35
Zone 3	Residential and Agricultural	17.22
Zone 4	Light Commercial	0.22
Zone 4	Residential and Agricultural	9.28
Zone 5	Planned Community	4.74
Zone 5	Residential and Agricultural	3.25
Total		61.80

As previously discussed, for land within Zone 1, additional coordination with FAA, outside of the ALUCP review process, is needed prior to development with the RPZ. Although the adoption of the ALUCP would limit development on undeveloped parcels within Zone 1/RPZ), the coordination requirements and guidance from FAA currently apply to these areas. Therefore, adoption of the ALUCP would not displace planned development within Zone 1.

Areas within Safety Zones 2, 3, 4, and 5 for Ward Field airport are zoned Light Commercial, Residential and Agricultural, and Planned Community.

As previously noted, permitted land uses on these parcels include hotels, motels, clubs and lodge halls, hospitals, sanitariums and clinics, retail, and agriculture on one or more acres. Of these land uses, only hospitals are not allowed in Safety Zones 2, 3, 4, and 5 in the ALUCP. However, given the lot size of the parcels, or portions of parcels, within the safety zones, all of which are 0.7 acres or less, development of a hospital in these areas is unlikely.

The Del Norte County zoning code does not provide performance standards to estimate the number of people per acre that could be allowed, calculations to determine if the adoption of an intensity limitation (number of persons per acre) would result in displacement cannot be made. However, for comparative purposes, the *California Airport Land Use Planning Handbook* provides typical intensities for land uses similar to what is identified for the Light Commercial designation. As outlined in Table 4E of the *California Airport Land Use Planning Handbook*, the typical intensity for small retail shops, restaurants, and motels are, respectively, 20-30 people per acre, 90-120 people per acre, and 40-60 people per acre. The intensity limitations, as specified in Table 4A of the ALUCP, are 80 people per acre for Zone 2, 210 people per acre for Zones 3 and 5, and 300 people per acre for Zone 4. Based on this information, the types of land uses detailed in the Del Norte County Zoning Code for the Light Commer-

cial designation could be developed in a manner consistent with the goals of the ALUCP. Therefore, no displacement would occur.

Approximately 12.8 undeveloped acres within Zones 2, 3, and 5 are zoned Planned Community. Prior to development in these areas, a project proponent must prepare a Development Plan which is submitted to the Del Norte County Planning Commission for review and approval. Currently, there are no approved planned community development plans for these areas, and any future development on this land would be subject to Airport Land Use Commission review. Therefore, no development on the parcels would be displaced as a result of ALUCP adoption.

Approximately 29 undeveloped acres within Zones 2, 3, 4 and 5 are zoned Residential and Agricultural. As discussed above, the minimum lot size within this zoning district is one acre and the primary permitted use is single family residential development.

The ALUCP indicates that residential density should be no greater than one dwelling unit per ten acres in Zone 2, one dwelling unit per two acres for Zones 3 and 4, and one dwelling unit per acre within Zone 5. For the purposes of this analysis, it is assumed that construction of a single-family residence, including a second dwelling unit, is allowed on a legal lot of record if permitted by the local agency as outlined in Policy 4.1.5.4 of the ALUCP. Therefore, displacement of single family residences from parcels zoned Residential and Agricultural would not occur. However, development on these parcels may be subject to conditions, such as sound attenuation, aviation easement, and airspace protection policies, outlined in other portions of the ALUCP.

Andy McBeth Airport

Based on a review of the undeveloped areas identified for this analysis, approximately 77.9 acres, identified on **Exhibit A3**, within Del Norte County are subject to the ALUCP safety zones.

General Plan

Table A6 summarizes the undeveloped acreages within the safety zone by *Del Norte County General Plan* designation. As indicated in the table, the following general plan designations are present: Public Facility, Riparian Corridor, Visitor Serving Commercial, and General Commercial.

The *Del Norte County General Plan* defines these land use classifications as follows:

Public Facility – Areas owned by public agencies, such as County or State agencies and local districts, or by quasi-public organizations, that serve as significant public facilities. This includes, but is not limited to, local recreation areas, parks, airports, solid waste facilities, correctional facilities, cemeteries, and schools. Due to the nature of the category, no minimum lot size or density is assigned.

Riparian Corridor– Areas containing riparian vegetation immediately adjacent and contiguous to a natural water course.

Visitor Serving Commercial – *See description above under Ward Field.*

General Commercial – See description above under Ward Field.

TABLE A6
Del Norte County General Plan and ALUCP Safety Zone Summary
Andy McBeth Airport

ALUCP Safety Zone	General Plan Designation	Acres
Zone 1	Visitor Serving Commercial	6.6
Zone 2	General Commercial	0.3
Zone 2	Riparian Corridor	3.8
Zone 2	Visitor Serving Commercial	11.6
Zone 3	Riparian Corridor	0.1
Zone 3	Visitor Serving Commercial	13.6
Zone 4	Riparian Corridor	35.3
Zone 4	Visitor Serving Commercial	0.3
Zone 5	Riparian Corridor	0.2
Zone 5	Visitor Serving Commercial	6.1
Total		77.9

Source: *Del Norte County General Plan*, Coffman Associates analysis. Numbers may not add due to rounding.

As previously discussed, areas designated as Riparian Corridor contain vegetation immediately adjacent and contiguous to a natural water course. For the purposes of this analysis, it is assumed that these areas are unsuitable for development. Therefore, no displacement of non-residential land uses from Zones 2, 3, 4 or 5 for Andy McBeth Airport.

As noted in the table, 6.6 acres within Zone 1 land are designated within the *Del Norte County General Plan* as Visitor Serving Commercial. This land use designation has a minimum lot size of one acre, with no maximum intensity specified and is intended to accommodate uses, such as hotels, motels, restaurants, service stations, convenience stores, unique item shops, boat ramps, docks, and hunting and fishing resorts. Within the ALUCP, Zone 1 includes a prohibition of all new structures and residential land uses. It should be noted that, in addition to the ALUCP, further guidance for the Runway Protection Zone (RPZ) is provided by the Federal Aviation Administration (FAA). In contrast to Zones 2-5, which are based on guidance from the *California Airport Land Use Compatibility Handbook*, Zone 1 is drawn based on the airport’s RPZ as described in FAA Advisory Circular 150/5300-13A, *Airport Design* (AC 5300-13). Paragraph 310 of AC 5300-13A states that the purpose of the RPZ is to, “enhance the protection of people and property on the ground.” FAA released interim guidance on land uses within the RPZ on September 27, 2012 which addresses new or modified land uses within the RPZ. Under this guidance, consultation with FAA is required when buildings, such as residences, schools, churches, hospitals or other medical care facilities, or commercial/industrial buildings would enter the RPZ as a result of one of the following actions:

- An airfield project (e.g., runway extension, runway shift)
- A change in the critical design aircraft that increases the RPZ dimensions
- A new or revised instrument approach procedure that increases the RPZ dimensions

- A local development proposal in the RPZ (either new or reconfigured)

Prior to consulting with FAA, documentation of alternatives that could: a) avoid introducing the land use issue within the RPZ; b) minimize the impact of the land use in the RPZ (i.e., routing a new roadway through the controlled activity area, move farther away from the runway end, etc.); or c) mitigate risk to people and property on the ground (i.e., tunneling, depressing and/or protecting a roadway through the RPZ, implement operational measures to mitigate any risks, etc.) is needed.

Although the adoption of the ALUCP would limit development on undeveloped parcels within Zone 1/RPZ), the coordination requirements and guidance from FAA currently apply to these areas. Therefore, adoption of the ALUCP would not displace planned development within Zone 1.

Undeveloped land within Zone 2 for Andy McBeth Airport is designated General Commercial (0.3 acres); Riparian Corridor (3.8 acres); and Visitor Serving Commercial (11.6 acres). As noted above, the General Commercial designation has a maximum FAR of 0.75. Floor area ratio is an expression of a building's gross floor area in relation to the size of the building site. In contrast, the ALUCP uses the maximum intensity, which is an expression of the number of people allowed per acre. For the purposes of this analysis, the calculation presented in **Table A7** was made to estimate the FAR of a one-story building on the site, assuming parking and setbacks to accommodate maximum number of people allowed under the ALUCP intensity limitation. Displacement would not occur as the FAR of building that could accommodate the maximum number of people allowed on the site is below 0.75. It should be noted that when the number of people on the site increases, the number of parking spaces needed also increases, which decreases the amount of space for the building footprint. Based on the calculations described in Table A2, adoption of the ALUCP would not displace planned development within Zone 2 designated as General Commercial in the *Del Norte County General Plan*.

The remaining undeveloped areas within Zones 2, 3, 4, and 5 are designated as Visitor Serving Commercial, which allows a minimum lot size of one acre, but does not provide a limitation on the number of people allowed per acre or per site. Suggested uses for these areas include hotels, motels, restaurants, service stations, convenience stores, unique item shops, boat ramps, docks, and hunting and fishing resorts. As noted in Table 4A in the ALUCP, none of these land uses are specifically prohibited for these ALUCP zones. As the *Del Norte County General Plan* does not provide performance standards to estimate the number of people per acre that could be allowed, calculations to determine if the adoption of an intensity limitation (number of persons per acre) would result in displacement cannot be made. However, for comparative purposes, the *California Airport Land Use Planning Handbook* provides typical intensities for land uses similar to what is identified for the Visitor Serving Commercial designation. As outlined in Table 4E of the *California Airport Land Use Planning Handbook*, the typical intensity for small retail shops, restaurants, and motels are, respectively, 20-30 people per acre, 90-120 people per acre, and 40-60 people per acre. The intensity limitations as specified in Table 4A of the ALUCP are 80 people per acre for Zone 2, 210 people per acre for Zones 3 and 5, and 300 people per acre for Zone 4. Based on this information, the types of land uses detailed in the *Del Norte County General Plan* for the Visitor Serving Commercial could be developed in a manner consistent with the goals of the ALUCP. Therefore, no displacement would occur.

TABLE A7
ALUCP Zone 2
Displacement Calculation

Line	Description	Value
Line 1	Site Area Square Feet (acres)	11,800 (0.27 acres)
Line 2	ALUCP Maximum Intensity (People/Acre)	80
Line 3	Maximum People Allowed (Line 1 x Line 2)	21.7
Line 4	Vehicle Occupancy Per Vehicle Mile by Daily Trip Purpose (all personal trips)	1.63
Line 5	Approximate Number of Parking Stalls Needed	13.3
Line 6	Area Required for Parking Stalls (Square Feet)	4121.5
Line 7	Assumption for Setbacks, Landscaping	15%
Line 8	Setback, Landscaping Area (Square Feet)	1,770
Line 9	Building Footprint Area (Square Feet) (Line 1 – Line 6 – Line 8)	5908
Line 10	Number of Stories	1
Line 11	Approximate Gross Building Area (Square Feet) (Line 9 x Line 10)	5908
Line 12	FAR (Line 11 / Line 1)	0.50

Notes:

- To estimate the maximum number of parking spaces that would be needed (Line 5), the maximum people allowed on the site (Line 3) was divided by the number of people per vehicle (Line 4). The number of people per vehicle is taken from the U.S. Department of Transportation National Household Travel Survey daily trip file.
- The parking stall area is based on the following assumptions. The width of each space is 10 feet and the depth of each space is 19 feet. An additional 12 feet has been added to the depth to approximate the amount of space needed for the parking lane behind each space. The calculation is as follows: 10 x (19+12) = 310 square feet per stall. The total parking lot area is calculated by multiplying the number of parking spaces (Line 5) by the parking area per space (Line 8). This is the total portion of the site that is reserved for the parking lot.

Source: Coffman Associates analysis.

Zoning

As summarized in **Table A8**, undeveloped parcels within the ALUCP safety zones for Andy McBeth are zoned either Flood Zone Area or Light Commercial.

TABLE A8
Del Norte County Zoning and ALUCP Safety Zone Summary
Andy McBeth Airport

ALUCP Safety Zone	General Plan Designation	Acres
Zone 1	Flood Zone Area	6.6
Zone 2	Flood Zone Area	15.4
Zone 2	Light Commercial	0.3
Zone 3	Flood Zone Area	13.7
Zone 4	Flood Zone Area	35.6
Zone 5	Flood Zone Area	6.3
Total	Flood Zone Area	77.9

Source: *Del Norte County General Plan*, Coffman Associates analysis. Numbers may not add due to rounding.

These zoning districts are summarized as follows.

Flood Zone Area - The Del Norte County Zoning Code, Title 20 – Zoning, states that permitted uses within the Flood Zone Area include public parks and recreation developments, boating facilities, campgrounds, and trailer parks operated on a seasonal basis between the months of May and November inclusive. Additionally, crop farming, truck gardening, livestock grazing, and other agricultural uses are also permitted. The Flood Zone Area does not include performance standards, such as minimum lot area or setbacks.

Light Commercial – *See description above under Ward Field.*

As previously discussed, for land within Zone 1, additional coordination with FAA, outside of the ALUCP review process, is needed prior to development with the RPZ. Although the adoption of the ALUCP would limit development on undeveloped parcels within Zone 1/RPZ), the coordination requirements and guidance from FAA currently apply to these areas. Therefore, adoption of the ALUCP would not displace planned development within Zone 1.

The Flood Zone Area and Light Commercial districts do not include performance standards which would allow for calculation of the potential displacement of development given the intensity limitations that would occur with adoption of the ALUCP. The permitted uses for this zone are not specifically prohibited in Table 4A of the ALUCP. Additionally, the permitted land uses are assumed to have a lower intensity than small retail shops, which as previously discussed, have a typical intensity of 20-30 people per acre, which is lower than that of the thresholds identified for Zone 2 (80 people per acre), Zones 3 and 5 (210 people per acre), and Zone 4 (300 people per acre). Given that the permitted land uses in the Flood Zone Area and Light Commercial districts would likely have a lower intensity than what is specified in the ALUCP, adoption of ALUCP will not displace non-residential development from the Andy McBeth Airport AIA.

NOISE POLICIES

As noted in Policy 4.3.2.1, areas within the noise contours are designated as either Rural or Suburban. Based on guidance in the Handbook, noise compatibility thresholds should take into account local conditions, including background noise levels, which may influence expected community reactions. The Rural and Suburban areas have separate compatibility criteria as outlined in Tables 4B (Rural) and 4C (Suburban). For the Rural criteria, the outermost contour is the 55 CNEL and in the Suburban criteria, the outermost contour is the 60 CNEL. As outlined in Table 4B, manufactured housing is the only land use that is prohibited within the 55 CNEL and the following conditions are placed on single family detached housing, education facilities, religious facilities, libraries, museums, hotels/motels, and hospitals: fair disclosure and avigation easement is required as a condition of development approval or building permit issuance, and sound insulation is required to reduce interior to exterior noise levels by at least 25 dB.

As outlined in Table 4C, manufactured housing is the only land use that is prohibited within the 60 CNEL and the following conditions are placed on single family detached housing, education facilities, religious facilities, libraries, museums, hotels/motels, and hospitals: fair disclosure and avigation easement is required as a condition of development approval or building permit issuance, and sound insulation is required to reduce interior to exterior noise levels by at least 25 dB.

Jack McNamara Field

At Jack McNamara Field, there are both suburban and rural areas as depicted on Exhibit 4G. There are no undeveloped areas within the rural portions of land exposed to 55 CNEL or greater; therefore, no displacement would occur. The suburban areas within the 60 CNEL noise contour for Jack McNamara Field are within the area identified for future land acquisition on the ALP; therefore, no development displacement would occur.

Ward Field

At Ward Field, all undeveloped areas within the 60 CNEL noise contours are categorized as Suburban. As previously noted, the only land use that is not consistent with the plan is manufactured housing. There are no undeveloped parcels within the 60 CNEL that are planned or zoned specifically for manufactured housing; therefore, other land uses could be developed, with conditions, consistent with the ALUCP. As a result, adoption of the ALUCP would not displace development.

Andy McBeth Airport

At Andy McBeth Airport, land northeast of the airfield is subject to the Suburban criteria and land to the southwest is subject to the Rural criteria. Within the Suburban area, there are no undeveloped parcels; therefore, no development displacement would occur in this area related to the noise policies. For the Rural area, there are no undeveloped parcels within the 55 CNEL that are planned or zoned specifically for manufactured housing; therefore, other land uses could be developed, with conditions, consistent with the ALUCP. As a result, adoption of the ALUCP would not displace development.

SUMMARY

Implementation of the ALUCP is not expected to result in displacement of future residential or non-residential development within the AIAs based on existing zoning designations, when combined with the ALUCP zones.

It is important to note that the proposed ALUCP is not a development plan (i.e., no specific land uses are designated for any particular parcel or parcels). Whether actual shifts in development would occur as a result of the proposed ALUCP would depend on the actual need for development; the rate, timing, location and extent of development; economic and market conditions; the nature and type of the project or projects; and project-level impacts to the environment and associated mitigation. Attempts to accurately forecast the actual effects of potential future shifts in land use development and population are subject to considerable uncertainty. If such projects do occur in the future, like other land use development, they will be subject to the appropriate project-level environmental review under CEQA. (See California Code of Regulations, Title 14, §15145.)

An important purpose of this analysis of potential development displacement is that it will inform local agencies of the potential for displaced development and associated consequences, enabling them to plan accordingly. The ultimate authority for implementation of the ALUCP rests with local governments as the zoning and land use permitting authorities. These local governments have multiple options regarding how to implement the new policies and criteria in the ALUCP. Thus, the potential displacement effects discussed in this analysis could change depending on the specific implementation actions taken by the local jurisdictions and the ALUC.



www.coffmanassociates.com



KANSAS CITY
(816) 524-3500

PHOENIX
(602) 993-6999

237 N.W. Blue Parkway • Suite 100
Lee's Summit, MO 64063

4835 E. Cactus Road • Suite 235
Scottsdale, AZ 85254