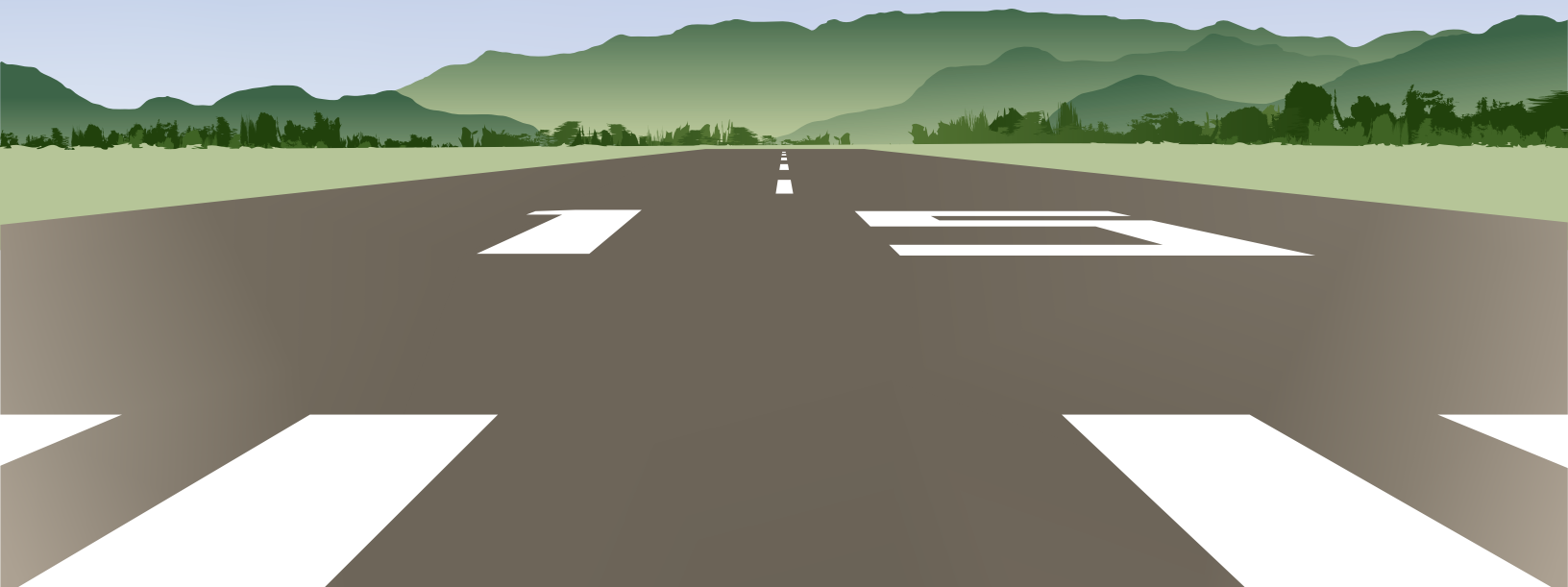
Ukiah Municipal Airport
Land Use Compatibility Plan

MENDOCINO COUNTY AIRPORT LAND USE COMMISSION



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May 20, 2021

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CHAPTER 1
INTRODUCTION

1

Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

This *Ukiah Municipal Airport Land Use Compatibility Plan* (*UKIALUCP*) replaces the compatibility plan for Ukiah Municipal Airport adopted by the Mendocino County Airport Land Use Commission (ALUC) in 1996 as part of the countywide *Mendocino County Airport Comprehensive Land Use Plan* (*MCACLUP*). The UKIALUCP is wholly self-contained and does not rely upon any policies or other content contained in the MCALUCP. The MCALUCP remains in effect for other airports in Mendocino County.

Function and Applicability of the Plan

The basic function of this *UKIALUCP* is to promote compatibility between the airport and surrounding land uses. As adopted by the ALUC, the plan serves as a tool for use by the Commission in fulfilling its duty to review certain airport and adjacent land use proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

The Ukiah Municipal Airport is located in the southeastern portion of Mendocino County. The influence area for the Ukiah Municipal Airport, as defined herein, extends 2.7 miles from the airport's runway. This influence area encompasses land within two local government jurisdictions:

- County of Mendocino
- City of Ukiah

Additionally, any city, special district, community college district, or school district that exists or may be established or expanded into the Airport Influence Area defined by this *UKIALUCP* is also subject to the provisions of the plan. The authority of the ALUC does not extend to state, federal, or tribal lands. Details regarding the purpose, scope, and applicability of the *UKIALUCP* are set forth in the policy chapters that follow.

Statutory Requirements

Powers and Duties

Requirements for creation of Airport Land Use Commissions (ALUCs) were first established under the California State Aeronautics Act[1] in 1967. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs, to promote land use compatibility around airports, has remained unchanged. As expressed in the present statutes, this purpose is:

> "...to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

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

1. ALUCs must prepare and adopt an airport land use plan; and
2. ALUCs must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Limitations

The statutes also have two explicit limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses[2] or over the operation of airports.[3] Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

- **Existing Land Uses**—The precise wording of the Aeronautics Act is that the authority of ALUCs extends only to land in the vicinity of airports that is "not already devoted to incompatible uses." The working interpretation of this language is that ALUCs have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

  For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered "devoted to" a particular use, even if the activity has not begun, once local government commitments and substantial construction investments by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local agency commitment to a proposal can usually be considered firm once a vesting tentative map, development agreement, certain discretionary permits, or other land use entitlement has been approved.

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[1] *Public Utility Code Sections 21670 et seq.*

[2] *Public Utilities Code Section 21674(a).*

[3] *Public Utilities Code Section 21674(e).*

- **Operation of Airports**—Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs cannot, however, be taken to mean that they have no authority with respect to new development on airport property. For example, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission's plans.[4] ALUCs also are generally conceded to have authority to review proposals for nonaviation development on airport property.

A third, less absolute, limitation concerns the types of land use actions that are subject to ALUC review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC's plan. Thus, each land use jurisdiction affected by this *UKIALUCP* is required to make its general plan consistent with the ALUC plan (or to overrule the Commission). Once a local agency has taken this action to the satisfaction of the ALUC, the ALUC's authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations (building codes) affecting land within an airport influence area. For an ALUC to review individual projects, the local agency must agree to submit them.

Mendocino County Airport Land Use Commission

State law provides two basic options regarding the structure of airport land use commissions: 1) a standard format, or 2) designation of an existing body to serve as the ALUC. Among California's 58 counties, these two formats are used in roughly equal proportions.

Membership on ALUCs structured in the standard manner is specified to be as follows:

- Two members appointed by the county board of supervisors,
- Two members appointed by a selection committee of mayors of the county's cities,
- Two members appointed by airport managers, and
- A seventh member, representing the general public, appointed by the other six members.

The designated body format has several possibilities. Most common is for a single- or multi-county council of governments, transportation planning agency, or similar entity to be designated as the ALUC. Other types of bodies that serve as ALUCs in some counties include the county planning commission, the county airport commission, or the county board of supervisors.

The Mendocino County ALUC was formed in 1993. Its composition, a variation of the standard format, consists of seven members: three County Planning Commission members appointed by the Board of Supervisors, three members appointed by the city selection committee, and one member at large appointed by the other six commissioners.

[4] *Public Utilities Code Section 21676(c).*

Relationship of the ALUC to County and City Governments

The fundamental relationship between the ALUC and the governments of Mendocino County and the City of Ukiah is set by the State Aeronautics Act. Within the bounds defined by state law, the decisions of the ALUC are final and are independent of the Board of Supervisors or City Council. The ALUC does not need county or city approval in order to adopt this *UKIALUCP* or to carry out ALUC land use project review responsibilities. However, the ALUC must consult with the involved agencies regarding establishment of the airport influence area boundary.[5]

Another aspect of the relationship between the ALUC and county and city governments concerns implementation of the *UKIALUCP*. The ALUC has the sole authority to adopt this plan and to conduct compatibility reviews, but, as noted earlier, the authority and responsibility for implementing the compatibility policies rests with the local agencies.

The California Government Code[6] establishes that each county and city affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC's plan. Alternatively, local agencies can take the series of steps listed in the Public Utilities Code[7] to overrule the ALUC. Actions that Mendocino County and the City of Ukiah can take to implement the *UKIALUCP* or overrule the ALUC are outlined later in this chapter.

PLAN PREPARATION AND REVIEW

State Guidelines

Although state law spells out the powers and duties of airport land use commissions and many of the procedural aspects of airport land use compatibility planning, it does not contain explicit compatibility guidelines. Rather, the law refers to another document, the *Airport Land Use Planning Handbook* (*Handbook*) published by the California Division of Aeronautics. Specifically, the statutes say that when preparing compatibility plans for individual airports, ALUCs shall "be guided by" the information contained in the *Handbook*.

The *Handbook* deals with the formation and operation of ALUCs, the preparation of compatibility plans, procedures for review of local actions, and the responsibilities of local agencies. The *Handbook* also sets forth basic guidelines for land use compatibility criteria. This guidance is intended to serve as the starting point for compatibility planning around individual airports. The *Handbook* is not regulatory in nature and does not constitute formal state policy. The most recent edition of the *Handbook* was completed in October 2011 and is available for downloading from the Division of Aeronautics website: https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf

[5] *Public Utilities Code Section 21675(c).*

[6] *Government Code Section 65302.3.*

[7] *Public Utilities Code Section 21676.*

An additional function of the *Airport Land Use Planning Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Specifically, Section 21096 requires that lead agencies must use the *Handbook* as "a technical resource" when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The policies and maps in this *UKIALUCP* take into account the guidance provided by the current edition of the *Handbook*, dated October 2011. This edition refined, clarified, and reorganized the content of the 2002 edition, but did not appreciably change the state guidance.

Relationship to Airport Master Plan

Airport land use compatibility plans are distinct from airport master plans in function and content. In simple terms, the issues addressed by airport master plans are primarily on-airport, whereas those of concern in a compatibility plan are off-airport. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. An airport master plan is prepared for and adopted by the agency that owns and/or operates the airport. In contrast, the purpose of a compatibility plan is to assure that incompatible development does not occur on lands surrounding the airport. The responsibility for preparation and adoption of compatibility plans lies with each county's airport land use commission.

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, the Public Utilities Code[8] requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics.[9] Furthermore, ALUC plans must reflect "the anticipated growth of the airport during at least the next 20 years."

The connection works in both directions, however. While a compatibility plan must be based upon an airport master plan, the Public Utilities Code[10] also requires that any proposed modification to an airport master plan be submitted to the ALUC to determine if the proposal is consistent with the compatibility plan. Provided that the off-airport compatibility implications of the proposed modifications are adequately addressed in the master plan, the outcome of this process usually is that the compatibility plan will need to be updated to mirror the new master plan.

Ukiah Municipal Airport Plans

The responsibility for master planning of the Ukiah Municipal Airport rests with the airport's proprietor, the City of Ukiah. The current master plan for the Ukiah Municipal Airport was adopted by the city in 1996. The Airport Layout Plan drawing was approved by the Federal Aviation Administration (FAA) in January 2016 and illustrates proposed alterations to the airfield system. The principal development proposal shown on the Airport Layout Plan is extending the Runway 15 end 465 feet north.

In November 2020, the Ukiah City Council unanimously approved a recommendation to the ALUC that the *UKIALUCP* protect for a future 5,000-foot runway to accommodate operations by CalFire Lockheed

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[8] *Public Utilities Code Section 21675(a).*

[9] In May 2019, Caltrans approved the January 2016 Airport Layout Plan for use as the aeronautical basis for this *UKIALUCP.*

[10] *Public Utilities Code Section 21676(c).*

C-130 fire attack aircraft. Although this runway length is not specifically depicted in the 2016 Airport Layout Plan drawing, features including avigation easement acquisition that are shown on the drawing support this option. At its meeting on November 19, 2020, the Mendocino County ALUC directed ALUC staff and Mead & Hunt to revise the draft *UKIALUCP* as recommended by the Ukiah City Council. The city's recommendation and ALUC direction are reflected in the compatibility map and criteria contained in Chapter 3 of this *UKIALUCP*.

With respect to aircraft activity projections, a 20-year activity forecast of 30,916 annual operations was developed for the purposes of this *UKIALUCP*. This forecast is double the current (2019) activity level of 15,458 annual operations and is representative of the airport's current condition and potential growth.

In accordance with state law, the features of the Ukiah Municipal Airport development proposals having implications for off-airport land use have been taken into account in the preparation of this *UKIALUCP*. In particular, the role of the airport and the planned long-term development of the runway system as identified in the Airport Layout Plan were major inputs to the compatibility policies set forth herein.

Compatibility Planning for Ukiah Municipal Airport

The Mendocino County Airport Land Use Commission adopted the original countywide compatibility plan—entitled *Mendocino County Airport Comprehensive Land Use Plan* (*MCACLUP*)—on October 21, 1993; the plan was revised June 6, 1996, to include the Ukiah Municipal Airport. The 1996 plan was based upon the development proposals provided in the 1996 Ukiah Municipal Airport Master Plan, a plan which no longer fully reflects the city's planning for the airport. The *MCACLUP* also predates the latest guidance provided by Caltrans in the 2011 *Handbook*. Consequently, for both of these reasons, the *MCACLUP* is outdated.

The planning effort to prepare an updated compatibility plan for the Ukiah Municipal Airport was initiated by the City of Ukiah with support from the County of Mendocino and the Mendocino County Airport Land Use Commission. As part of the planning process, a Technical Advisory Group was established specifically for the project. The group's membership consisted of County and City Planning staff members, the Ukiah Municipal Airport Manager, a County Department of Transportation representative, and representatives of the ALUC. The Technical Advisory Group assisted with providing airport and land use data, reviewing discussion papers and draft materials, and provided comments for consideration in the draft *UKIALUCP*.

An Initial Study of environmental impacts has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). Issues addressed include those identified in the 2007 California Supreme Court decision in *Muzzy Ranch Company v. Solano Airport Land Use Commission*. These issues include assessment of the potential future displacement of residential and nonresidential land use development as a result of implementation of this *UKIALUCP*. A copy of the Initial Study and associated Negative Declaration was circulated for public review and comment on July 21, 2020 together with a Public Review draft of this *UKIALUCP*.

Subsequently, revisions were made to the Public Review Draft in response to the November 2020 ALUC direction regarding accommodation of the CalFire Lockheed C-130 fire attack aircraft. The primary change was to add a Compatibility Zone 1* beyond Zone 1 at each end of the runway. These text and map revisions, together with various minor wording clarifications, were documented in Addendum #1, dated January 14, 2021. The environmental impacts of the addition of the Zone 1*s, the potential for displacement in particular, were examined and found to be the same or less than existed under the 1996 *MCALUCP* and less than significant in terms of CEQA.

This supplemental analysis was included in the revised Initial Study and Negative Declaration (January 2021) which were made public but not formally recirculated consistent with Title 14, California Code of Regulation, Section 15073.5(C)(2).

The Final Draft *UKIALUCP*, including the revisions listed in Addendum #1, was adopted by the ALUC on May 20, 2021. The associated Negative Declaration was also approved by the ALUC at that time. This adopted *UKIALUCP* document contains the Addendum #1 revisions and replaces the earlier *Mendocino County Airport Comprehensive Land Use Plan* (*MCACLUP*) addressing the Ukiah Municipal Airport (adopted 1993, revised 1996)

PLAN IMPLEMENTATION

General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action available to local agencies is to overrule the ALUC by a two-thirds vote[11] after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state airport land use planning statutes.

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

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

Many community general plans pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good compatibility planning. It is anticipated that each of the land use jurisdictions affected by this *UKIALUCP* will need to make some modification to its general plan and/or other land use policy documents in order to meet the plan consistency requirements. (Note: An initial assessment of the consistency between the current local general plans and the policies set forth in this *UKIALCUP* is contained in Appendix E).

Compatibility planning issues can be reflected in a general plan in several ways:

Incorporate Policies into Existing General Plan Elements—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element.

[11] "A two-thirds vote of the entire membership of a city council is not required to override an adverse determination made by an airport land use commission concerning the city's proposed amendment of its general plan; a two-thirds vote of the members constituting a quorum is sufficient to override the determination." *California Attorney General Opinion 91-502; published March 18, 1992.*

With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.

Adopt a General Plan Airport Element—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.

Adopt Compatibility Plan as Stand-Alone Document—Jurisdictions selecting this option would simply adopt the relevant portions of the *UKIALCUP* as a local policy document—specifically, Chapter 2 plus any background information they wish to include. Changes to the community's existing general plan would be minimal. Policy reference to the separate *UKIALUCP* document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.

Adopt Airport Combining District or Overlay Zoning Ordinance—This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *UKIALUCP* as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone (An outline of topics which could be addressed in an airport combining zone is included in Appendix F).

Overrule Process

The only other course of action available to local agencies is to overrule the ALUC by a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes. Additionally, the local agency must provide both the ALUC and Caltrans Division of Aeronautics with a copy of the local agency's proposed decision and findings at least 45 days in advance of its decision to overrule and must hold a public hearing on the proposed overruling.[12] The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings.

[12] *Public Utilities Code Section 21676(a)* and *(b)*.

If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC.[13] Note that similar requirements apply to local agency overruling of ALUC actions concerning individual development proposals for which ALUC review is mandatory[14] and airport master plans.[15]

Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law (e.g., general plans, specific plans), the *UKIALUCP* specifies other major land use projects that either must or can be submitted for review. These major land use actions are defined in Chapter 2. Beginning with when this *UKIALUCP* is adopted by the ALUC and continuing until such time as local agencies have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the ALUC for review. After local agencies have made their general plans consistent with the *UKIALUCP*, local agencies may choose to voluntarily refer to the ALUC or ALUC Secretary land use actions involving a question of compatibility with airport activities. However, such referrals are voluntary, informal, and constitute consultation rather than formal reviews. These referral procedures must be indicated in the local jurisdiction's general plan or other implementing policy document in order for the general plan to be considered fully consistent with the *UKIALUCP*.

PLAN CONTENTS

The *UKIALUCP* is organized into four chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for the Ukiah Municipal Airport and Mendocino County Airport Land Use Commission in particular.

The policies and maps in Chapters 2 and 3 constitute the most important components of the plan. The policies in Chapter 2 establish procedures by which the ALUC operates and conducts compatibility reviews of land use and airport development proposals affecting Ukiah Municipal Airport. The policies also define the types of actions to be submitted for ALUC review and the procedures that the ALUC will follow in making compatibility determinations. Chapter 3 specifies the compatibility criteria for future land use development in the Ukiah Municipal Airport environs.

Chapter 4 presents various background data regarding features, impacts, and environs of Ukiah Municipal Airport. Chapter 4 also serves to document the data and assumptions upon which the compatibility policy maps for the airport are based.

Also included in this document are a set of appendices containing a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is mostly taken from other sources and does not represent ALUC policy except where cited as such in Chapters 2 and 3—specifically the state ALUC statutes and certain other laws (Appendix A) and Code of Federal Regulations (CFR) Part 77 (Appendix B).

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[13] *Public Utilities Code Sections 21676, 21676.5 and 21677.*

[14] *Public Utilities Code Section 21676.5(a).*

[15] *Public Utilities Code Section 21676(c).*

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CHAPTER 2

PROCEDURAL POLICIES

2

Procedural Policies

1. GENERAL APPLICABILITY

1.1. Purpose and Use

1.1.1. *Basic Purpose:* The purpose of this *Ukiah Municipal Airport Land Use Compatibility Plan* (*UKIALUCP*) is to articulate procedures and criteria applicable to airport land use compatibility planning involving *Ukiah Municipal Airport* (*Airport*), a public-use general aviation airport owned by the City of Ukiah. The *UKIALUCP* is prepared in accordance with the requirements of the *California State Aeronautics Act* (Public Utilities Code Section 21670 et seq.) and guidance provided in the *California Airport Land Use Planning Handbook* (*Handbook*) published by the California Department of Transportation Division of Aeronautics in October 2011.

1.1.2. *Use by Mendocino County ALUC:* The *Mendocino County ALUC* (*ALUC*) shall:

(a) Formally adopt this *UKIALUCP*[1] and amend it as necessary to reflect current *Airport* plans.[2]

(b) When a *Land Use Action* is referred for review as dictated by Section 1.4, make a determination as to whether such *Land Use Action* is consistent with the criteria set forth in this *UKIALUCP*.

(c) When an *Airport Development Action* is referred for review as dictated by Policy 1.4.4, make a determination as to whether such *Airport Development Action* is consistent with the criteria set forth in this *UKIALUCP*.

1.1.3. *Use by City of Ukiah:* The City of Ukiah shall:

(a) When required by Section 1.4 of this *UKIALUCP*, refer *Land Use Actions* and *Airport Development Actions* to the *ALUC* for a consistency determination. Also, as encouraged by the ALUC in Policy 1.4.3, submit for ALUC comment (not a formal consistency determination) proposed *Major Land Use Actions* for which referral is voluntary.

[1] In accordance with *Public Utilities Code Section 21674(c)*.

[2] In accordance with *Public Utilities Code Section 21675(a)*.

(b) Modify its general plan, applicable specific plan(s), zoning ordinance, and building regulations to be consistent with the policies in this *UKIALUCP* or take the steps necessary to *Overrule* the *ALUC* (see Section 2.5).

(c) Utilize the *UKIALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan, and zoning ordinance, when making other planning decisions regarding proposed *Land Use Actions* within the *Airport Influence Area*.

(d) When preparing an environmental document for any *Land Use Action* within the *Airport Influence Area*, address the compatibility criteria contained in this *UKIALUCP* in addition to referencing guidance from the *Handbook*.[3]

(e) As owner of Ukiah Municipal Airport, refer proposed *Airport Development Actions* (including new or revised airport master plans, airport layout plans, and certain other airport improvement plans) to the *ALUC* for a consistency determination (see Policy 1.4.4).

1.1.4. *Use by County of Mendocino:* The County of Mendocino shall:

(a) When required by Section 1.4 of this *UKIALUCP*, refer *Land Use Actions* to the *ALUC* for a consistency determination. Also, as encouraged by the ALUC in Policy 1.4.3, submit for ALUC comment (not a formal consistency determination) proposed *Major Land Use Actions* for which referral is voluntary.

(b) Modify its general plan, applicable specific plan(s), zoning ordinance, and building regulations to be consistent with the policies in this *UKIALUCP* or take the steps necessary to *Overrule* the *ALUC* (see Section 2.5).

(c) Utilize the *UKIALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan, and zoning ordinance, when making other planning decisions regarding the proposed *Land Use Actions* within the *Airport Influence Area*.

(d) When preparing an environmental document for any *Land Use Action* within the *Airport Influence Area*, address the compatibility criteria contained in this *UKIALUCP* in addition to referencing guidance from the *Handbook*.[4]

1.1.5. *Use by Other Local Government Agencies:* Any existing or future special districts, school districts, or community college districts[5] whose boundaries extend into the *Ukiah Municipal Airport Influence Area*, as defined herein, shall:

(a) As specified by Section 1.4 of this *UKIALUCP*, refer *Land Use Actions* to the *ALUC* for a consistency determination.

(b) Apply the policies of this *UKIALUCP* when creating plans or taking other *Land Use Actions* regarding proposed facilities and other development affecting or affected by airport operations or take the steps necessary to *Overrule* the *ALUC* (see Section 2.5).

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

[4] See preceding footnote.

[5] *Public Utilities Code Section 21670(f)* specifically includes special districts, school districts, and community college districts as among the *Local Agencies* subject to the airport land use compatibility planning provisions of the *Aeronautics Act*.

1.1.6. *Relationship to Other ALUCPs Adopted by ALUC:* This *UKIALUCP* rescinds and replaces the Compatibility Plan for the Ukiah Municipal Airport adopted by the ALUC in 1996 and included within the *Mendocino County Airport Comprehensive Land Use Plan* (*MCACLUP*), which applies to all of the public-use airports in Mendocino County. None of the policies of the 1996 plan continue to apply to compatibility planning within the environs of the *Ukiah Municipal Airport*.

(a) No future amendments to the *MCACLUP* shall apply to the environs of *Ukiah Municipal Airport* unless separately adopted as an amendment to this *UKIALUCP*.

(b) No court action to invalidate all or any portion of this *UKIALUCP* shall have an effect on the *MCACLUP* unless explicitly so stated.

1.1.7. *Effective Date:*

(a) The policies herein are effective as of the date that the *ALUC* adopts this *UKIALUCP*.

(b) Any *Project* or phase of a *Project* that has received *Local Agency* approvals sufficient to qualify it as an *Existing Land Use* (see Policies 1.2.18 and 1.5.3) prior to the date of the *ALUC's* adoption of the *UKIALUCPs* shall not be required to comply with the policies herein. Rather, the policies of the 1996 Ukiah Municipal Airport section of the *MCACLUP* shall apply.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this *UKIALUCP*. Words listed here appear in *Italics* when used in this chapter or in **Chapter 3**. In addition, general terms pertaining to airports and land use planning are defined in the *Glossary* (**Appendix H**).

1.2.1. *Aeronautics Act* (also known as the California State Aeronautics Act)*:* Except as indicated otherwise, the article of the California Public Utilities Code Section 21670 et seq., pertaining to airport land use commissions and airport land use compatibility planning.

1.2.2. *Airport:* Ukiah Municipal Airport.

1.2.3. *Airport Development Action:* Any of several types of actions that may be taken by the City of Ukiah as airport owner and for which referral to the *ALUC* is required (see Policy 1.4.4).

1.2.4. *Airport Influence Area:* The area, as shown in **Map 3A**, 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. The term *Airport Influence Area* is synonymous with the term *Referral Area* as well as with the term "planning area" as used in Public Utilities Code Section 21675.

1.2.5. *Airport Land Use Commission (ALUC):* The Mendocino County Airport Land Use Commission.

1.2.6. *Airport Land Use Commission Secretary:* The Director of the Mendocino County Department of Planning and Building Services or a person designated by the Director.

1.2.7. *Airport Land Use Compatibility Plan (ALUCP):* This document, the *Ukiah Municipal Airport Land Use Compatibility Plan* (*UKIALUCP*).

1.2.8. *Airport Proximity Disclosure:* A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate, which includes

previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an airport and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the airport. See Policy 3.7.2 for applicability to *Ukiah Municipal Airport*. Also see Policy 1.2.34 for a related buyer awareness tool, *Recorded Overflight Notification*.

1.2.9. *Airspace Critical Protection Zone:* The *14 CFR Part 77* primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface together with the *Airspace High Terrain Zone*. See details in Policy 3.6.1(c).

1.2.10. *Airspace High Terrain Zone:* High terrain areas where review of and control over the height of objects is particularly important to the protection of the *Airport* airspace. See details in Policy 3.6.1.

1.2.11. *Airspace Protection (Part 77) Surfaces/Plans/Zones:* Imaginary surfaces in the airspace surrounding an *Airport* defined in accordance with criteria set forth in Title 14 Code of Federal Regulations Part 77 (*14 CFR Part 77*), *Safe, Efficient Use, and Preservation of the Navigable Airspace*.[6] These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of airports. The *Airspace Protection Zones* for *Ukiah Municipal Airport* are depicted in **Map 3B**, *Airspace Protection Zones,* in **Chapter 3** herein.

1.2.12. *Aviation-Related Use:* Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at the *Airport*. Such uses specifically include, but are not limited to, runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc. Hotels or other commercial/industrial facilities on *Airport* property do not qualify as an *Aviation-Related Use*.

1.2.13. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including, but not limited to, creation of noise and limits on the height of structures and trees, etc. (See Policy 3.3.6.)

1.2.14. *Building Regulations:* Terminology used in state ALUC statutes. Also known as "building codes," a set of rules that specify the standards for constructed objects such as buildings and nonbuilding structures.

1.2.15. *Community Noise Equivalent Level (CNEL):* The noise metric adopted by the State of California for land use planning purposes, including 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.

1.2.16. *Compatibility Zone:* Any of the zones depicted in the *Compatibility Policy Map* for the *Airport* in **Chapter 3** for the purposes of assessing land use compatibility within the *Airport Influence Area* defined herein. (See Policy 1.3.1.)

[6] Code of Federal Regulations that deal with objects affecting navigable airspace in the vicinity an airport. Objects that exceed the *14 CFR Part 77* height limits constitute airspace obstructions. *14 CFR Part 77* establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (See **Appendix B** for a copy of the *14 CFR Part 77*.)

1.2.17. *Density:* The number of dwelling units per acre. *Density* is used in this *UKIALUCP* as the measure by which proposed residential *Land Use Actions* are evaluated for compliance with noise and safety compatibility criteria (compare *Intensity*). *Density* is calculated based on the overall site size (i.e., total acreage of the project site).

1.2.18. *Existing Land Use:* A land use that, as of the effective date of this *UKIALUCP* (see Policy 1.1.7) either physically exists or for which *Local Agency* commitments to the proposal have been obtained entitling the *Project* to move forward. (See Policy 1.5.3.) The policies of this *UKIALUCP* do not apply to *Existing Land Uses*.[7]

1.2.19. *Handbook:* The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics.[8] The *Handbook* provides guidance to ALUCs for the preparation, adoption, and amendment of airport land use compatibility plans.

1.2.20. *Infill:* Development of vacant or underutilized land (e.g., *Redevelopment* or expansion of existing facilities) within areas that are already largely developed or used more intensively. See Policy 3.3.4for criteria used to identify *Infill* areas for the purposes of this *UKIALUCP*.

1.2.21. *Intensity:* The number of people per acre. *Intensity* is used in this *UKIALUCP* as the measure by which most proposed nonresidential *Land Use Actions* are evaluated for compliance with safety compatibility criteria (compare *Density*). Sitewide average *Intensity* is calculated based on the overall site size (i.e., total acreage of the site).

1.2.22. *Land Use Action:* Any type of land use matter including, but not limited to, land use plans and individual development proposals or *Projects* for which *Local Agency* action is required and which are subject to the provisions of this *UKIALUCP*.

1.2.23. *Local Agency:* The County of Mendocino, City of Ukiah, or any special district, school district, or community college district—including any future city or district—having any jurisdictional territory lying within the *Airport Influence Area* as defined herein for the *Ukiah Municipal Airport*. These entities are subject to the provisions of this *UKIALUCP* (see Policies 1.1.3, 1.1.4, and 1.1.5). State and federal government agencies and Native American tribes are not considered *Local Agencies*.

1.2.24. *Major Land Use Action: Land Use Actions* related to proposed land uses for which compatibility with *Airport* activity is a particular concern, but for which *ALUC* review is not always mandatory under state law. These types of *Land Use Actions* are listed in Policy 1.4.5.

1.2.25. *Noise Impact Area:* The area within which the noise impacts (measured in terms of CNEL) generated by the *Airport* may represent a land use compatibility concern. The noise impact area for the *Airport* is presented in **Chapter 4**, **Exhibit 4-4**.

1.2.26. *Noise-Sensitive Land Uses:* Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise sensitive land uses include, but are not limited to: residences, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.

[7] This is an explicit limitation of *Public Utilities Code Sections 21670(a)* and *21674(a)*.

[8] As of preparation of the *UKIALUCP* in 2019, the current edition of the *Handbook* is dated October 2011.

1.2.27. *Nonconforming Use:* An *Existing Land Use* that does not comply with the compatibility criteria set forth in this *UKIALUCP*. See Policy 1.5.3(d) for criteria applicable to *Land Use Actions* involving *Nonconforming Uses*.

1.2.28. *Object Free Area (OFA):* An area on the ground surrounding an airport runway within which the Federal Aviation Administration (FAA) prohibits all objects except certain ones necessary for aircraft navigation or maneuvering. The *Airport OFA* dimensions to be applied for the purposes of this *UKIALUCP* are as established by the FAA.

1.2.29. *Occupancy Load Factor:* The number of square feet of building floor area occupied per person under typical peak-period usage.

1.2.30. *Overrule:* An action that a *Local Agency* can take in accordance with provisions of state law if the *Local Agency* wishes to proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, approval or modification of a facility master plan, or modification of an airport master plan[9] or, under conditions specified in Policy 1.4.2, a *Major Land Use Action*[10] affecting the *Airport Influence Area*, despite an *ALUC* finding that the proposed *Land Use Action* is inconsistent with this *UKIALUCP*. See Section 2.5 for process required to *Overrule* the *ALUC*. Similar *Overrule* provisions are also available to the City of Ukiah as *Airport* owner if the *ALUC* finds a proposed airport master plan inconsistent with the *UKIALUCP*.

1.2.31. *Project:* A type of *Land Use Action* or *Airport Development Action* that involves development of a specific site (as opposed to a plan, ordinance, or regulation that applies throughout a *Local Agency's* jurisdiction).

1.2.32. *Rare Special Events:* Events (such as an air show at the *Airport* or golf tournament) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

1.2.33. *Reconstruction*: The rebuilding of a structure housing a *Nonconforming Existing Land Use* when the structure has been fully or partially destroyed as a result of a calamity (not planned *Reconstruction* or *Redevelopment*). See Policy 3.3.4.

1.2.34. *Recorded Overflight Notification:* A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *Avigation Easement* (see Policy 1.2.13), a *Recorded Overflight Notification* does not convey property rights from the property owner to the *Airport* and does not restrict the height of objects. See Policy 3.7.1 for applicability. Also see Policy 3.7.2 for a related buyer awareness tool, *Airport Proximity Disclosure*.

1.2.35. *Redevelopment:* Any new construction that replaces the *Existing Land Use* of a site and would be inconsistent with the compatibility criteria and policies in Chapter 3 of the *UKIALUCP*. *Projects* involving *Redevelopment* are subject to the provisions of this *UKIALUCP* to the same extent as with other types of *Land Use Actions*.

1.2.36. *Referral Area:* See *Airport Influence Area*.

[9] *Public Utilities Code Sections 21676(a), (b), and (c).*

[10] *Public Utilities Code Section 21676.5(a).*

1.2.37. *Risk-Sensitive Land Use:* A land use that represents special safety concerns irrespective of the number of people associated with the use (see Policy 3.5.5). Specifically: uses with vulnerable occupants, hazardous materials storage, or critical community infrastructure.

1.2.38. *Rural Environment:* Areas where the predominant land use is natural or agricultural and where buildings are scattered.

1.2.39. *Suburban Environment:* Areas characterized by low- to-moderate intensity (1-2 story) development with surface parking.

1.2.40. *Urban Environment:* Areas with mid-rise (up to 5 stories) development that generally include surface vehicle parking with some parking structures.

1.2.41. *Urban Overlay Zone:* Land underlying *Compatibility Zones 3* and *4* to the north within the City of Ukiah and *Compatibility Zone 4* to the southwest in unincorporated Mendocino County. The *Urban Overlay Zone* reflects existing residential land use patterns within the urban environs of the *Airport*. The *Urban Overlay Zone* provides a *Density* exception to the basic *Density* criteria provided in **Table 3A**, *Basic Compatibility Criteria,* to allow multi-family residential uses. See Policy 3.2.3(b) for details.

1.3. Scope of ALUC Concerns

1.3.1. *Airport Influence Area*:

(a) The *Influence Area* of the *Ukiah Municipal Airport* encompasses all lands on which the uses could be significantly affected by current or future aircraft operations at the *Airport* as well as lands on which the uses could negatively affect *Airport* usage and thus necessitate restriction on those uses.[11]

(b) In delineating the *Airport Influence Area*, the geographic extents of four types of compatibility concerns are considered. The *Compatibility Zones* depicted in the *Compatibility Policy Map*, **Map 3A** in **Chapter 3**, consider all four compatibility factors in a composite manner.

(1) Noise: Locations exposed to potentially disruptive levels of aircraft noise.

(2) Safety: Areas where the risk of an aircraft accident poses heightened safety concerns for people and property on the ground.

(3) Airspace Protection: Places where height and various other land use characteristics need to be restricted in order to prevent creation of physical, visual, or electronic hazards to flight within the airspace required for operation of aircraft to and from the *Airport*.

(4) Overflight: Locations beneath where aircraft in flight are distinctly visible and audible even if not necessarily directly overhead.

1.3.2. *Airport Growth Assumptions:* The *Airport Influence Area* for the *Airport* reflects the existing configuration of the *Airport*, planned airfield improvements and projected aircraft activity covering the requisite 20-year planning horizon.[12] Background data in **Chapter 4** documents the aeronautical assumptions upon which this *UKIALUCP* is based.

[11] The basis for delineating the *Airport Influence Area* is set by state law in *Business and Professions Code Section 11010*.

[12] See *Public Utilities Code Section 21675(a*).

1.3.3. *Referral Area:* The *Airport Influence Area* for *UKIALUCP* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with the *UKIALUCP*. See Section 1.4 for the types of *Actions* subject to *ALUC* review.

1.3.4. *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 factors that the *ALUC* shall consider in reviewing *Land Use Actions*. Also, in accordance with state law,[13] neither this *UKIALUCP* nor the *ALUC* have authority over the operation of the *Airport* (including where and when aircraft fly, airport security, and other such matters).

1.4. Types of Actions Subject to ALUC Review

1.4.1. *Land Use Actions for which Local Agency Referral to ALUC is Mandatory:* Prior to approving the types of *Land Use Actions* indicated in Paragraphs (a) and (b), the *Local Agency* always must refer the *Action* to the *ALUC* for determination of consistency with the *UKIALUCP*.[14]

(a) *Local Agency* adoption or approval of any new general plan or specific plan or any amendment thereto that affects lands within the *Airport Influence Area*.

(b) *Local Agency* adoption or approval of a zoning ordinance or building regulation, including any proposed change or variance to any such ordinance or regulation, that (1) affects land within the *Airport Influence Area* and (2) may involve the types of airport impact concerns listed in Policy 1.3.1(b).

1.4.2. *Major Land Use Actions for which Local Agency Referral to ALUC is Required on an Interim Basis:* In addition to the above types of *Land Use Actions* for which referral to the *ALUC* is always mandatory, referral of *Major Land Use Actions* is required until such time as (1) the *ALUC* finds that a *Local Agency's* general plan or specific plan is consistent with this *UKIALUCP* or (2) the *Local Agency* has *Overruled* the *ALUC's* determination of inconsistency. Only *Major Land Use Actions* as listed in Policy 1.4.5 must be referred for review during this interim period.[15]

[13] *Public Utilities Code Section 21674(e).*

[14] *Public Utilities Code Section 21676(b).*

[15] *Public Utilities Code Section 21676.5(a)* allows an ALUC to require the *Local Agency* to refer all *Land Use Actions*, including regulations and permits, involving land within the *Airport Influence Area* to it for review until the Local Agency's general plan or specific plan is revised or the specific findings are made. Under this policy, the *Mendocino County ALUC* elects only to require referral of *Major Land Use Actions*. The scope or character of certain *Major Land Use Actions*, as listed in Policy 1.4.5, is such that their compatibility with *Airport* activity is a potential concern.

1.4.3. *Voluntary Referral of Land Use Actions:* A *Local Agency* may choose to voluntarily refer to the *ALUC* or *ALUC Secretary* for informal review and consultation a *Land Use Action* involving a question of compatibility with *Airport* activities. *ALUC* or *ALUC Secretary* review of these types of *Land Use Actions* can serve to enhance their compatibility with airport activity. Because comments from the *ALUC* are advisory when reviewing *Land Use Actions* referred voluntarily, *Local Agencies* are not required to adhere to the *ALUC's* review period or *Overrule* process if they elect to approve such actions without incorporating design changes or conditions recommended by the *ALUC.*[16]

1.4.4. *Airport Development Actions for which Referral to ALUC is Mandatory:* Under state law, planning and development actions involving airport property are subject to *ALUC* review as follows:

(a) Prior to approving either of the following types of *Airport* planning and development actions, the City of Ukiah must refer the proposed *Airport Development Action* to the *ALUC* for determination of consistency with the *UKIALUCP*.

(1) Adoption or modification of the master plan for the *Airport.*[17]

(2) Any proposal for "expansion" of the *Airport* if such expansion will require an amended Airport Permit from the State of California.[18]

(b) Nonaviation development of *Airport* property is not deemed to be a form of airport operations. Consequently, such proposals are considered *Land Use Actions* and are subject to *ALUC* review just as is required for nonaviation *Land Use Actions* off *Airport* property. The review may take place as part of an airport master plan or on an individual development *Project* basis.

1.4.5. *Major Land Use Actions:* Referral of the following types of *Land Use Actions* is required under the conditions indicated in Policy 1.4.2 and is encouraged on a voluntary basis in accordance with Policy 1.4.3.

(a) Any proposal for nonaviation structures or uses of land within *Compatibility Zone 1* (see Policy 1.2.12 for definition of an *Aviation-Related Use).*

(b) Any of the following types of *Land Use Actions* affecting land within *Compatibility Zones 2* through *6*.

(1) Proposed expansion of the sphere of influence of a city or special district.

(2) Proposed pre-zoning associated with future annexation of land to a city.

(3) Proposed infrastructure or other capital improvements (e.g., water, sewer, or roads) not reflected in a previously reviewed general plan or specific plan that would promote urban uses in undeveloped or agricultural areas.

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[16] Once a *Local Agency* either makes its general plan, specific plans, zoning ordinance or facilities master plan consistent with the *UKIALUCP* or *Overrules* the *ALUC* as provided by law, the *ALUC* no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, a *Local Agency* may choose to voluntarily refer *Land Use Actions,* as listed in Policy 1.4.5, to the *ALUC* for informal review and comment. *ALUC* review of these types of *Actions* can serve to enhance their compatibility with *Airport* activity.

[17] *Public Utilities Code Section 21676(c)*

[18] *Public Utilities Code Section 21664.5* defines "airport expansion" as being "construction of a new runway," "extension or realignment of an existing runway," "acquisition of clear zones [runway protection zones] or of any interest in land for the purpose of [either of the above]," or "any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of [any of the above]."

(4) Proposed development agreements or amendments to such agreements.

(5) Proposed residential *Land Use Actions*, including land divisions, consisting of six or more dwelling units or parcels.

(6) Proposed nonresidential *Land Use Actions* having a building floor area of 10,000 square feet or greater.

(7) Proposed *Land Use Actions* regularly attracting more than 100 people (including employees, customers/visitors) to outdoor activities on the *Project* site (e.g., flea markets).

(8) Proposed land acquisition by a *Local Agency* for any building intended to accommodate the public (for example, a school, jail, or hospital).

(9) Proposed *Redevelopment* (see Policy 1.2.35) if the *Project* is of a type listed in Paragraphs (b)(1) through (b)(8) of this policy.[19]

(c) Actions affecting land uses within any portion of the *Airport Influence Area*:

(1) Proposed structures or objects having a height of more than 35 feet within the *Airspace High Terrain Zone*.

(2) Proposed objects (including buildings, antennas, and other structures) that receive an Aeronautical Study determination of anything other than "not a hazard to air navigation" by the Federal Aviation Administration in accordance with *14 CFR Part 77* (See **Appendix B**).

(3) Proposed *Projects* (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations in FAA-defined locations.[20]

(4) *Projects* having the potential to create electrical or visual hazards to aircraft in flight, including (see Policy 3.6.4(b)):

- Electrical interference with aircraft radio communications or navigational signals;
- Lighting which could be mistaken for *Airport* lighting;
- Glare (such as from mirrored or other highly reflective structures or building features) or bright lights (such as from search lights and laser light displays) in the eyes of pilots of aircraft using the *Airport*; and

[19] ALUC review of *Redevelopment* under this policy includes *Redevelopment* of a property for which the *Existing Land Use* is consistent with the general plan and/or specific plan, but *Nonconforming* with the compatibility criteria set forth in this *UKIALUCP*. This policy is intended to address circumstances that arise when a general plan or specific plan land use designation does not conform to *UKIALUCP* compatibility criteria but is deemed consistent with the *UKIALUCP* because the designation reflects an *Existing Land Use*. Proposed *Redevelopment* of such lands voids the consistency status and is to be treated as a new *Land Use Action* subject to *ALUC* review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 3.3.1 and 3.3.4.)

[20] FAA rules and regulations defining these locations are found in: Public Law 106-181 (Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, known as AIR 21), Section 503; 40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, Airport Safety; Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*; Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*; and any subsequent applicable FAA guidance.

- Other uses near the *Airport* that may impair a pilot's visibility (such as from sources of dust, steam, or smoke) or cause thermal plumes or other forms of unstable air.

(5) *Projects* having the potential to create a thermal plume extending to an altitude where aircraft fly.

(d) Proposed nonaviation development of *Airport* property if such development has not previously been included in the airport master plan or City of Ukiah general plan reviewed by the *ALUC*. (See Policy 1.2.12 for definition of *Aviation-Related Use*.)

(e) Any other proposed *Land Use Action* or *Airport Development Action*, as determined by the *Local Agency*, involving a question of compatibility with *Airport* activities may also be referred on a voluntary basis.

1.5. Limitations of the ALUC and UKIALUCP

1.5.1. *Airport Operations:* Except as indicated in Policy 1.4.4, neither the *ALUC* nor this *UKIALUCP* have authority over the planning and design of facilities on the *Airport* or over *Airport* operations, including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.[21]

1.5.2. *Federal, State, and Tribal Entities:* Lands controlled (i.e., owned, leased, or in trust) by federal or state agencies or by Native American tribes are not subject to the provisions of the state *ALUC* statutes or this *UKIALUCP*. However, the compatibility criteria included herein are intended as recommendations to these agencies.

1.5.3. *Existing Land Uses:* The policies of this *UKIALUCP* do not apply to *Existing Land Uses*.[22] A land use is considered to be "existing" when one or more of the conditions below has been met prior to the effective date (see Policy 1.1.7) of this *UKIALUCP*.

(a) Qualifying Criteria: An *Existing Land Use* is one that either physically exists or for which *Local Agency* commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary. *Local Agency* commitment to a proposal can usually be considered firm once one or more of the following have occurred:

(1) A tentative parcel or subdivision map has been approved and not expired;

(2) A vesting tentative parcel or subdivision map has been approved and not expired;

(3) A development agreement has been approved and not expired;

(4) A final subdivision map has been recorded and not expired;

(5) A use permit or other discretionary entitlement has been approved and not expired; or

(6) A valid building permit has been issued.

(b) Expiration of Local Agency Commitment: If a *Local Agency*'s commitment to a proposed *Project*, as set forth in Paragraph (a)(1) through (5) of this policy, expires, the *Project* will

[21] This is an explicit limitation of state law under *Public Utilities Code Section 21674(e)*.

[22] This is an explicit limitation of *Public Utilities Code Sections 21670(a)* and *21674(a)*.

no longer qualify as an *Existing Land Use*. As such, the *Project* shall be subject to the policies of this *UKIALUCP*.

(c) Revisions to an Approved Project: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *ALUC* review in accordance with the policies of Section 1.4.

(d) Existing Nonconforming Uses: The *ALUC* has no ability to reduce or remove *Nonconforming* or otherwise incompatible *Existing Land Uses* from the *Airport* environs. Further, this *UKIALUCP* is not intended to compel *Local Agency* action to reduce or remove *Nonconforming* or otherwise incompatible *Existing Land Uses* from the *Airport* environs. Proposed changes to uses within existing structures are not subject to *ALUC* review unless the changes would result in an increased nonconformity with the compatibility criteria (see Policy 3.3.1) and requires discretionary approval on the part of the *Local Agency* (e.g., proposal for an indoor sport facility or place of worship within an existing industrial building). Proposed *Redevelopment* (see definition in Policy 1.2.35) is, however, subject to *ALUC* review and conformance with the compatibility criteria the same as new development.

1.5.4. *Development by Right*: Nothing in this *UKIALUCP* prohibits:

(a) Construction of a single-family home on a legal lot of record as of the effective date (see Policy 1.1.7) of this *UKIALUCP* provided that the home is not within *Compatibility Zone 1* and the use is permitted by the *Local Agency's* land use regulations.

(b) Construction of accessory dwelling unit(s) as defined by state law and local regulations.[23] Accessory dwelling units shall not be considered in calculation of residential *Density* for a proposed *Land Use Action* under Policy 3.2.5.

(c) Construction of multi-family housing when dictated by state law and provided that the *Local Agency*'s general plan and/or zoning ordinance have been found consistent with this *UKIALUCP*.

(d) Lot line adjustments provided that new developable parcels would not be created and the resulting *Density* or *Intensity* of the affected property would not exceed the applicable criteria indicated in **Table 3A**, *Basic Compatibility Criteria*.

(e) Construction or establishment of a family day care home serving 14 or fewer children[24] either in an existing dwelling or in a new dwelling permitted by the policies of this *UKIALUCP*.

[23] *Government Code, Section 65852.2.*

[24] *Health and Safety Code, Section 1596.78.*

2. ALUC REVIEW PROCESS

2.1. General

2.1.1. *Timing of Referral:* The precise timing of the *ALUC*'s or *ALUC Secretary*'s review of a proposed *Land Use Action* or *Airport Development Action* may vary depending upon the nature of the specific action.

(a) Referrals to the *ALUC* should be made at the earliest reasonable point in time so that the *ALUC*'s review can be duly considered by the *Local Agency* prior to when the agency formally approves the *Action*. Depending upon the type of *Action* and the normal scheduling of meetings, *ALUC* review can be completed before, after, or concurrently with review by the local planning commission and other advisory bodies but *must* be accomplished before final approval by the *Local Agency*.

(b) Completion of a formal application with the *Local Agency* is not required prior to a *Local Agency*'s referral of a proposed *Land Use Action* or *Airport Development Action* to the *ALUC*.

(1) Rather, a *Project* applicant may request, and the *Local Agency* may refer, a proposed *Action* to the *ALUC* for early consistency determination, so long as the *Local Agency* or *Project* applicant is able to provide the *ALUC* with the required submittal information for the proposed *Action*, as specified in Policies 2.2.4, 2.3.1, and 2.4.1.

(2) A *Project* applicant may also seek informal *ALUC* comment on a prospective *Land Use Action* at an early design stage prior to formal referral to the *ALUC* for a consistency determination.

2.1.2. *Submittal of Environmental Documents:* The *ALUC* does not have a formal responsibility to review the environmental document associated with *Land Use Actions* or *Airport Development Actions* referred to it for review.

(a) However, if an environmental document has been prepared at the time that the *Land Use Action* or *Airport Development Action* is referred for review and the document contains information pertinent to the review and not included in other applicable submittal information as listed in Policies 2.2.4, 2.3.1, and/or 2.4.1, then a copy should be included with the referral for reference.

(b) The *ALUC* authorizes the *ALUC Secretary*, after consultation with the *ALUC* Chairman, to provide comments on environmental documents submitted to the *ALUC* for comment under provisions of the California Environmental Quality Act (CEQA) separately from referral of a *Land Use Action* for a consistency determination. *ALUC* and/or *ALUC Secretary* comments, if any, shall be provided to the referring *Local Agency* within the timeframe established for receipt of comments from other entities.

2.1.3. *Responsibilities for Ensuring Project Compliance with the UKIALUCP:* The *ALUC, Local Agencies*, and *Project* applicants each have responsibilities for ensuring that proposed *Land Use Actions* and *Airport Development Actions* comply with the compatibility criteria set forth in this *UKIALUCP*. These responsibilities vary depending upon whether a *Local Agency*'s general plan and applicable specific plan(s) have been determined by the *ALUC* to be consistent with the *UKIALUCP*.

(a) Prior to the *Local Agency* plans becoming consistent with the *UKIALUCP*, the *ALUC* has the lead role in analyzing and ensuring *Project* compliance with the policies herein.

(1) *Local Agency* staff may choose to initially evaluate proposed *Land Use Actions* and work with the *Project* applicant to bring the proposal into compliance with *UKIALUCP* criteria. *Local Agency* staff should also encourage *Project* applicants to contact the *ALUC Secretary* for details about *UKIALUCP* policies and the policies' applicability to the proposed *Project*. The *ALUC Secretary* will provide informal input at this stage if requested.

(2) When a proposed *Land Use Action* or *Airport Development Action* is of a type that requires a formal consistency determination by the *ALUC* (those listed in Policies 1.4.1, 1.4.2, and 1.4.4), the *Local Agency* is responsible for referring that *Action* to the *ALUC*. The *Project* applicant is responsible for providing the information about the *Project* that the *ALUC* requires to conduct its review and for paying applicable *ALUC* fees. The *ALUC Secretary* shall review the proposal to evaluate its compliance with the *UKIALUCP* policies in accordance with Policy 2.2.5 or 2.3.2 and place the *Project* and review on the *ALUC* agenda for a consistency decision within the applicable timeframe established by Policy 2.2.7, 2.3.4, or 2.4.3.

(b) Subsequent to when a *Local Agency*'s general plan and applicable specific plan(s) have been determined by the *ALUC* to be consistent with the *UKIALUCP*, the *Local Agency* and its staff are responsible for ensuring that proposed *Major Land Use Actions* comply with *UKIALUCP* criteria.

(1) The *ALUC Secretary* will provide informal input if requested and can refer the proposed *Action* to the *ALUC* for additional comment if desired by the *Local Agency* and/or the *Project* applicant.

(2) *Land Use Actions* and *Airport Development Actions* for which referral to the *ALUC* is mandatory, regardless of the general plan and specific plan consistency status, must continue to be referred for a formal consistency determination by the *ALUC*.

(c) In either case, *Project* applicants are responsible for designing their *Projects* to comply with *UKIALUCP* policies.

(d) Once a *Project* has been found consistent with the *UKIALUCP*, the *Local Agency* and its staff are responsible for enforcing *UKIALUCP* criteria as they apply to a *Project* such that the *Project* continues to comply with *UKIALUCP* criteria on an on-going basis following completion of the *Project* (e.g., usage *Intensity* and height limitations).

2.1.4. *Public Input:* Where applicable, the *ALUC* shall provide public notice and obtain public input before making a consistency determination regarding any proposed *Land Use Action* or *Airport Development Action* under consideration.[25]

2.1.5. *Fees:* Any applicable review fees as established by the *ALUC* shall accompany the referral of *Actions* for *ALUC* or *ALUC Secretary* review.[26]

2.2. Review Process for General Plans, Specific Plans, Zoning Ordinances, and Building Regulations

2.2.1. *Initial ALUC Review of General Plan Consistency:* In conjunction with adoption or amendment of this *UKIALUCP*, the *ALUC* shall review the general plans and specific plan(s) of affected

[25] *Public Utilities Code Section 21675.2(d) and Government Code Section 54950 (Brown Act).*

[26] *Public Utilities Code Section21671.5(f)* allows for ALUCs to charge fees for project reviews.

Local Agencies to determine their consistency with the *ALUC*'s policies. Inconsistencies, if any, shall be identified.

(a) State law requires that within 180 days of the *ALUC*'s adoption or amendment of this *UKIALUCP*, each *Local Agency* having territory within the *Airport Influence Area* of the *Airport* must amend its general plan and any applicable specific plan(s) to be consistent with the *ALUC's UKIALUCP*[27] or, alternatively, provide required notice, adopt findings, and *Overrule* the *ALUC* in accordance with statutory requirements.[28] It is the *ALUC's* policy to deem the 180-day period to begin as of the date that digital copies of the adopted *UKIALUCP* are made available to the affected *Local Agencies*.

(b) Prior to approving a proposed amendment of a general plan or specific plan as necessitated by Paragraph (a) of this policy, the *Local Agency* must submit a draft of the proposal to the *ALUC* for review and approval.

2.2.2. *Subsequent Proposed Amendment of Current or Adoption of New General Plans, Specific Plans, Zoning Ordinances, or Building Regulations:* Adoption of a *Local Agency's* new general plan, specific plan, zoning ordinance or building regulation, or amendment of a current such plan, ordinance, or regulation, requires review by the *ALUC* if the plan, ordinance, or regulation:

(a) Has general applicability throughout the community; and/or

(b) Concerns land within the *Airport Influence Area*.

2.2.3. *Identification of Infill Areas:* If a *Local Agency* wishes to have its general plan show locations for *Infill* development as indicated in Policy 3.3.45, the *Local Agency* must provide the *ALUC* a map along with supporting documentation identifying areas it requests the *ALUC* to consider as *Infill*. This may be done in conjunction with its referral of a general plan or specific plan amendment to the *ALUC* in response to the requirements of Policy 2.2.1 or as part of a later update in accordance with Policy 2.2.2. The *ALUC* shall include a determination on the *Infill* locations as part of its consistency determination regarding the general plan and/or applicable specific plan(s).

2.2.4. *Required Submittal Information:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment shall be submitted to the *ALUC*. Any supporting material, such as environmental documents, assessing the proposal's consistency with the *UKIALUCP* should be included. If the amendment is required as part of a proposed *Major Land Use Action*, then the information listed in Policy 2.3.1 shall also be included to the extent applicable.

2.2.5. *ALUC Secretary's Responsibilities:* The *ALUC Secretary* shall review the proposed general plan, specific plan, zoning ordinance, or building regulation for compliance with the *UKIALUCP* and forward the analysis to the *ALUC* for a formal consistency determination. The *ALUC Secretary* does not have authority to make formal consistency determinations.

2.2.6. *ALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *UKIALUCP*, the *ALUC* has three options:

(a) Find the plan, ordinance, or regulation consistent with the *UKIALUCP*. To make such a finding with regard to a general plan, the conditions identified in Section 3.1 must be met.

[27] *Government Code Section 65302.3.*

[28] *Public Utilities Code Section 21676(b).*

(b) Find the plan, ordinance, or regulation consistent with the *UKIALUCP*, subject to conditions and/or modifications that the *ALUC* may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.

(c) Find the plan, ordinance, or regulation inconsistent with the *UKIALUCP*. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts or shortcomings upon which its determination is based.

2.2.7. *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.[29]

(a) The date of referral is deemed to be the date on which all applicable information as specified in Policy 2.2.3 and indicated on the *ALUC Review Application* (**Appendix E**) is received by the *ALUC Secretary* and applicable referral fees have been paid.

(b) If additional information is required, the *ALUC Secretary* shall notify the City of Ukiah within 14 calendar days of the date of receiving the referral.

(c) If the *ALUC* fails to make a determination within the 60-day period, the proposed *Land Use Action* shall be deemed consistent with the *UKIALUCP*.

(d) The 60-day review period may be extended if the referring *Local Agency* or *Project* applicant agrees in writing or so states at an *ALUC* public hearing on the *Land Use Action*.

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

(f) The referring *Local Agency* shall be notified of the *ALUC*'s determination in writing.

2.3. Review Process for Major Land Use Actions

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

(a) A completed *ALUC* Review Application as provided in **Appendix E** of this *UKIALUCP*.

(b) Property location data (assessor's parcel number, street address, subdivision lot number).

(c) An accurately scaled map depicting the *Project* site location in relationship to the *Airport* boundary and runway.

(d) A description of the proposed use(s), current general plan and zoning designations, and the type of approval being sought from the *Local Agency* (e.g., zoning variance, use permit, building permit).

(e) A detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces, and water

[29] *Public Utilities Code Section 21676(d).*

bodies; ground elevations (above mean sea level); and elevations of tops of structures and trees. Additionally:

(1) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any accessory dwelling units as defined by state law and local regulations).[30]

(2) For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the maximum number of people (employees, visitors/customers) potentially occupying the total site or portions thereof at any one time.

(f) Identification of any features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations at the *Airport* or in its environs (see Policy 3.6.4). Such features include, but are not limited to, the following:

(1) Open water areas.

(2) Sediment ponds, retention basins.

(3) Detention basins that hold water for more than 48 hours.

(4) Artificial wetlands.

(g) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.

(h) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the *Project* if it contains information pertinent to a determination of the *Project's* consistency with *UKIALUCP* criteria (see Policy 2.1.2).

(i) Staff reports regarding the *Project*.

2.3.2. *ALUC Secretary Responsibilities:* When a *Major Land Use Action* is referred to the *ALUC,* the *ALUC Secretary* shall analyze the *Action* to evaluate whether significant compatibility issues are evident and do one of the following:

(a) If referral of the *Action* is mandatory, forward the *Action* and the analysis of it to the *ALUC* for a formal consistency determination within the timeframe established under Policy 2.3.4.

(b) If referral of the *Action* is voluntary, but the *ALUC Secretary's* analysis finds evident conflicts with the *UKIALUCP*, forward the *Action* and the analysis to the *ALUC* for comment. The *ALUC's* comments shall be provided in writing to the referring *Local Agency* within the timeframe set by the *Local Agency*.

(c) If referral of the *Action* is voluntary and the *Action* has no apparent conflicts with the *UKIALUCP* criteria, the *ALUC* authorizes the *ALUC Secretary* to notify the applicant of this conclusion and that forwarding the *Action* to the *ALUC* for comment or a consistency determination will not be required. The *Secretary* shall provide the *ALUC*, at its next regular meeting, a list of all *Actions* referred but not requiring forwarding to the *ALUC*.

2.3.3. *ALUC Action Choices:*

[30] *Government Code, Section 65852.2.*

(a) Regarding *Major Land Use Actions* for which referral is mandatory in accordance with Policy 1.4.2, the *ALUC* has three choices of action when making a consistency determination:

(1) Find the *Major Land Use Action* consistent with the *UKIALUCP*.

(2) Find the *Major Land Use Action* consistent with the *UKIALUCP*, 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).

(3) Find the *Major Land Use Action* inconsistent with the *UKIALUCP*. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts upon which the determination is based.

(b) Regarding *Major Land Use Actions* for which referral is voluntary in accordance with Policy 1.4.3, the *ALUC* review and comments are advisory. However, the *Local Agency* should include any such comments in its official record of the final decision on the *Action*.

2.3.4. *Response Time:* In responding to *Major Land Use Actions* referred for review, the policy of the *ALUC* is that:

(a) When a *Major Land Use Action* is referred for review on a mandatory basis as required by Policy 1.4.2:

(1) The date of referral is deemed to be the date on which all applicable information as specified in Policy 2.3.1 and indicated on the *ALUC Review Application* (**Appendix E**) is received by the *ALUC Secretary* and applicable referral fees have been paid.

(2) If additional information is required, the *ALUC Secretary* shall notify the *Local Agency* within 14 calendar days of the date of receiving the referral.

(3) Reviews of *Major Land Use Actions* forwarded to the *ALUC* for a consistency determination shall be completed within 60 days of the date of the referral.

(4) If the *ALUC* fails to make a determination within the above time periods, the proposed *Major Land Use Action* shall be deemed consistent with the *UKIALUCP*.

(b) When a *Major Land Use Action* is referred on a voluntary basis in accordance with Policy 1.4.3, review by the *ALUC Secretary* and/or the *ALUC* should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the referring *Local Agency*.

(c) Regardless of action or failure to act on the part of the *ALUC Secretary* or the *ALUC*, the proposed *Major Land Use Action* must comply with other applicable local, state, and federal laws and regulations.

2.3.5. *Subsequent Reviews of Related Major Land Use Actions:* Once a *Major Land Use Action* for which referral to the *ALUC* was mandatory has been found consistent with the *UKIALUCP*, it generally need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed). However, additional *ALUC* review is required if any of the following are true:

(a) At the time of the original *ALUC* review, the available information on the proposed *Major Land Use Action* was only sufficient to determine consistency with compatibility

criteria at a planning level of detail, not at a *Project* design level. For example, the proposed land use designation indicated in a general plan, specific plan, or zoning amendment may have been found consistent, but information on site layout, maximum *Intensity* limits, building heights, and other such factors that may also affect the consistency determination for a *Project* may not have yet been known.

(b) The design of the *Project* subsequently changes in a manner that affects previously considered compatibility issues and could raise questions as to the validity of the earlier finding of consistency. Proposed changes warranting a new review include, but are not limited to, the following:

(1) For residential uses, any increase in the number of dwelling units to a level exceeding the criteria set forth in this *UKIALUCP* unless the increase is a development by right;

(2) For nonresidential uses, a change in the types of proposed uses, any increase in the total floor area, and/or a change in the allocation of floor area among different types of uses in a manner that could result in an increase in the *Intensity* of use (more people on the site) to a level exceeding the criteria set forth in this *UKIALUCP*;

(3) Any increase in the height of structures or other design features such that the height limits established herein would be exceeded or exceeded by a greater amount;

(4) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site) if site design was a factor in the initial review of the *Project*;

(5) Any significant change to a proposed *Project* for which a special exception was granted in accordance with Policy 3.8.2;

(6) Any new design features that would create visual hazards (e.g., certain types of lights, sources of glare, and sources of dust, steam, or smoke);

(7) Any new equipment or features that would create electronic hazards or cause interference with aircraft communications or navigation; and/or

(8) Addition of features that could attract wildlife that is potentially hazardous to aircraft operations.

(c) At the time of original *ALUC* review, conditions were placed on the *Major Land Use Action* that require subsequent *ALUC* review.

(d) The *Local Agency* requests further *ALUC* review.

2.4. Review Process for Airport Development Actions

2.4.1. *Required Submittal Information for Airport Development Actions:* An airport master plan or other development plan[31] for *Ukiah Municipal Airport* referred to the *ALUC* for review in accordance with Policy 1.4.4 shall contain sufficient information to enable the *ALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of the facility's activity upon surrounding land uses.

[31] As defined by *Public Utilities Code Section 21664.5(b)*.

(a) When a new or amended master plan is the subject of the *ALUC* review, the noise, safety, airspace protection, and overflight impacts should be addressed in the plan report and/or in an accompanying environmental document. Proposed changes in *Airport* facilities and usage that could have land use compatibility implications should be noted.

(b) For other *Airport Development Actions*, the relationship to a previously adopted master plan or other approved plan for the *Airport* should be indicated—specifically, whether the proposed development implements an adopted/approved plan or represents an addition or change to any such previous plan. Any environmental document prepared for the *Airport Development Action* should be included in the submittal.

(c) For either airport master plans or other airport development plans, the following specific information should be included to the extent applicable:

(1) A layout plan drawing of the proposed facility or improvements showing the location of:

- Property boundaries;
- Runways or helicopter takeoff and landing areas;
- Runway or helipad protection zones; and
- Aircraft or helicopter approach/departure flight routes.

(2) A revised map of the *Airspace Protection Surfaces* as defined by *14 CFR Part 77* if the proposal would result in changes to these surfaces. A map reflecting the current and future configurations of the *Airspace Protection Surfaces* for the *Airport* is included as **Map 3B**, *Airspace Protection Zones,* in **Chapter 3**.

(3) Updated activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction. The effects of the proposed development on the forecast *Airport* usage indicated in **Chapter 4** of this *UKIALUCP* should be described.

(4) Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in **Chapter 4** of this *UKIALUCP* should be described.

(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 other development plan.

(6) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the plan.

(7) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors depicted in the *Airport* exhibits presented in **Chapter 4**.

2.4.2. *ALUC Action Choices for Ukiah Municipal Airport Plans:* When reviewing a proposed new or revised airport master plan or new development plans for the *Airport*, the *ALUC* has three options (see Section 3.9 for policies pertaining to the substance of the *ALUC* review of plans for the *Airport*):

(a) Find the *Airport* plan consistent with the *UKIALUCP*.

(b) Find the *Airport* plan consistent with the *UKIALUCP* with the condition that the *UKIALUCP* will be modified to reflect the assumptions and proposals of the *Airport* plan.

(c) Find the *Airport* plan inconsistent with the *UKIALUCP*. In making a finding of inconsistency, the *ALUC* shall note the specific conflicts upon which the determination is based.

2.4.3. *Response Time:* The *ALUC* must respond to the referral of an airport master plan or other development plan within 60 days from the date of referral.[32]

(a) The date of referral is deemed to be the date on which all applicable information as specified in Policy 2.4.1 is received by the *ALUC Secretary* and applicable referral fees have been paid.

(b) If additional information is required, the *ALUC Secretary* shall notify the City of Ukiah within 14 calendar days of the date of receiving the referral.

(c) If the *ALUC* fails to make a determination within the specified period, the proposed *Airport Development Action* shall be deemed consistent with the *UKIALUCP*.

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

(e) The City of Ukiah shall be notified of the *ALUC*'s action in writing.

2.5. Process for Overruling the ALUC

2.5.1. *ALUC Determination of "Inconsistent":* If the *ALUC* determines that a proposed *Land Use Action or Airport Development Action* is inconsistent with this *UKIALUCP*, the *ALUC* must notify the *Local Agency* and shall indicate the reasons for the inconsistency determination.

2.5.2. *Overruling of ALUC by Local Agency:*

(a) If a *Local Agency* wishes to proceed with a proposed *Land Use Action* or *Airport Development Action* that the *ALUC* has determined to be inconsistent with the *UKIALUCP*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *ALUC* determination in accordance with the provisions of state law.[33]

(b) The overruling process applies only to formal consistency determinations made by the *ALUC* on *Land Use Actions* or *Airport Development Actions* for which referral to the *ALUC* is mandatory.

(c) Because *ALUC* review of *Land Use Actions* referred on a voluntary basis in accordance with Policy 1.4.3 do not represent formal consistency determinations, as is the case with *Actions* referred under Policies 1.4.1 or 1.4.2, *Local Agencies* are not required to adhere to the *Overruling* process if they elect to approve the *Project* without incorporating design changes or conditions recommended by the *ALUC*. Similarly, the *Overruling* process

[32] *Public Utilities Code Section 21676(d).*

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

does not apply to any comments by the *ALUC Secretary* in conjunction with policy compliance assessment done under Policy 2.3.2(b).

2.5.3. *ALUC Comments on Proposed Overruling:* The *ALUC* should provide comments on the proposed *Overruling* decision so that it is part of the *Local Agency's* record of decision. If the *ALUC* chooses to comment, it must do so within 30 days of receiving the proposed decision and findings.[34]

[34] *Public Utilities Code Sections 21676(a), (b), and (c)* and *21676.5(a).*

CHAPTER 3
COMPATIBILITY POLICIES

3

Compatibility Policies

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Evaluating General Plans, Specific Plans, Zoning Ordinances, and Building Regulations

3.1.1. *Statutory Requirement:* State law requires each *Local Agency* having territory within an *Airport Influence Area* to modify its general plan and any applicable specific plan to be consistent with the airport land use compatibility plan for the particular airport unless it takes the steps required to *Overrule* the *ALUC*. In order for a general plan to be considered consistent with this *UKIALUCP*, the following must be accomplished:[35]

3.1.2. *Elimination of Conflicts:* No direct conflicts can exist between the two plans.

(a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in **Table 3A**, *Basic Compatibility*. In addition, conflicts with regard to other policies—height limitations in particular—may exist.

(1) However, a general plan cannot be found inconsistent with the *UKIALUCP* because of land use designations that reflect *Existing Land Uses* even if those designations conflict with the compatibility criteria of this *UKIALUCP*. General plan land use designations that merely echo the *Existing Land Uses* are exempt from requirements for general plan consistency with the *UKIALUCP*.[36]

(2) On the other hand, proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *UKIALUCP* and are subject to *ALUC* review in accordance with Policies 1.5.3(d) and 1.4.5(b)(9). To ensure that *Nonconforming Uses* do not become more nonconforming, general plans or implementing documents must include policies setting limitations on expansion and *Reconstruction* of *Nonconforming Uses* located within the *Airport Influence Area* consistent with Policies 3.3.1 and 3.3.4.

[35] See **Chapter 1** and **Appendix F** for additional guidance.

[36] This exemption derives from state law which proscribes *ALUC* authority over *Existing Land Uses*.

(b) To be consistent with the *UKIALUCP*, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. For example, future reuse of a building must not result in a usage *Intensity* that exceeds the applicable standard or other limit approved by the *ALUC* (see Policy 3.5.4).

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

(a) The process established must ensure that the proposed *Project* is consistent with the land use or zoning designation indicated in the *Local Agency*'s general plan, specific plan, zoning ordinance, and/or other development regulations that the *ALUC* has previously found consistent with this *UKIALUCP* and that the *Project's* subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage *Intensity*, height limitations, *Avigation Easement* dedication—must be assessed.

(b) *Local Agencies* have the following choices for satisfying this review process requirement:

(1) Sufficient detail can be included in the general plan or specific plan(s), referenced implementing ordinances and regulations, and/or internal *Project* review procedures to enable the *Local Agency* to assess whether a proposed *Project* fully meets the compatibility criteria specified in this *UKIALUCP* (this means both that the compatibility criteria be identified and that *Project* review procedures be described);

(2) The *UKIALUCP* can be adopted by reference (in this case, the *Project* review procedure must be described in a separate policy document or memorandum of understanding presented to and approved by the *ALUC*); and/or

(3) The general plan can indicate that all *Land Use Actions*, or a list of *Land Use Action* types agreed to by the *ALUC*, shall be submitted to the *ALUC* for review in accordance with the policies of Section 1.4.

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

(a) The conversion of land from existing or planned agricultural use to residential uses within *Compatibility Zones 1* through *5* is strongly discouraged.

(b) In *Compatibility Zone 2*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) that would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

3.2. Evaluating Proposed Land Use Projects

3.2.1. *Basis for Determining Project Consistency with UKIALUCP:* The determination of consistency between *Projects* proposed for locations with the *Ukiah Municipal Airport Influence Area* and the policies of this *UKIALUCP* shall be based upon:

(a) The compatibility criteria set forth in the *Basic Compatibility Criteria* table (**Table 3A**), as described in Policy 3.2.2.

(b) The *Compatibility Policy Map* for the *Ukiah Municipal Airport* (**Map 3A**).

(c) The *Airspace Protection Zones* provided for *Ukiah Municipal Airport* (**Map 3B**).

(d) The criteria for special circumstances set forth in Section 3.3.

(e) The supporting compatibility criteria for individual compatibility factors when necessary in accordance with Policy 3.2.4.

3.2.2. *Basic Land Use Compatibility Criteria:* The compatibility evaluations presented in **Table 3A** serve as the primary tool for determining whether a proposed *Project* is to be judged consistent with the *UKIALUCP*.

(a) **Table 3A** lists general land use categories and indicates each use as being either "Normally Compatible," "Conditional," or "Incompatible" depending upon the *Compatibility Zone* or *Zones* in which it is located. The individual evaluations in the cells of the table are based upon the *Density, Intensity,* and *Open Land* criteria shown in the table header, and the ability of a typical *Project* in a particular land use category to meet all criteria. The evaluation terms are defined to mean the following:

(1) "Normally Compatible" means that normal examples of the land use are presumed to comply with the noise, safety, airspace protection, and overflight criteria set forth in this **Chapter**. Atypical or complex *Projects* with this determination may nevertheless require more detailed evaluation using the criteria for special circumstances outlined in Section 3.3 and the specific noise, safety, airspace protection, and overflight compatibility policies set forth in Sections 3.4 through 3.7.

(2) "Conditional" means that the proposed land use is compatible if the indicated usage *Intensity*, open land, and other listed conditions are met. Complex *Projects* with this determination may nevertheless require more detailed evaluation using the criteria for special circumstances outlined in Section 3.3 and the specific noise, safety, airspace protection, and overflight compatibility policies set forth in Sections 3.4 through 3.7. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.

(3) "Incompatible" means that the land use should not be permitted under any normal circumstances. Limited exceptions are possible for site-specific special circumstances. See Section 3.8.

(b) Land use types not specifically listed in the **Table 3A** shall be evaluated using the criteria for similar listed uses. The *Occupancy Load Factor* (square feet per person) listed for many nonresidential uses can be used as a comparative guide in this regard. In all cases, proposed nonresidential uses must meet the *Intensity* criteria listed in the table header.

(c) Multiple land use categories and the compatibility criteria associated with them may apply to a *Project*. Mixed-use developments shall be evaluated in accordance with Policy 3.2.7.

3.2.3. *Compatibility Policy Map:* The *Compatibility Zones* depicted in the *Compatibility Policy Map* (**Map 3A**) for the *Ukiah Municipal Airport* takes into account all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight.

(a) **Table 3B** *Compatibility Factors*, identifies the general contributions of noise, safety, airspace protection, and overflight factors to the delineation of each of the *Compatibility Zones*. The table also describes the specific aeronautical and geographic considerations used in creation of the *Compatibility Policy Map*.

(b) The *Compatibility Policy Map* gives special consideration to the *Density* of existing residential development in the *Compatibility Zone 3* and *4* areas north and west of the *Airport* compared to locations elsewhere in the *Airport Influence Area* by designating an *Urban Overlay Zone*. The residential *Density* compatibility criteria in **Table 3A** for locations within the *Urban Overlay Zone* reflect the existing development pattern. This *Density* is higher than for other locations with comparable proximity to the runway.

(c) The *Compatibility Policy Map* also includes a *Compatibility Zone 1** that extends the length of *Compatibility Zone 1* at each end of the runway. The intent of *Zone 1** is to help preserve the option for ultimate extension of the runway to 5,000 feet to accommodate CalFire Lockheed C-130 fire attack aircraft. The compatibility criteria for *Zone 1** match those of *Zone A** in the 1996 ACLUP for Ukiah Municipal Airport and are listed in **Table 3A**.

(d) The individual compatibility factors can be used to help assess how heavily each factor should be weighed when evaluating proposed *Projects* in a particular *Compatibility Zone*. It also can serve to suggest what types of modifications to the *Project* might make the proposal acceptable given the *Project's* degree of sensitivity to a particular compatibility factor (for example, knowing that a *Noise-Sensitive Land Use* is in a high-noise area may indicate a need for sound attenuation in the structure, whereas a *Land Use of Special Concern* in a high-risk area may need to be altered to reduce the number of people present).

3.2.4. *Function of Supporting Criteria:* **Table 3A**, *Basic Compatibility Criteria*, represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Policy 1.3.1 and described in Sections 3.4 through 3.7. For the purposes of reviewing proposed amendments to general plans, specific plans, zoning ordinances, and building regulations, as well as in the review of most individual *Project* proposals, the criteria in **Table 3A** are anticipated to suffice. However, certain complex *Land Use Actions* may require more intensive review. The *ALUC* may refer to the supporting criteria, as listed in Sections 3.4 through 3.8 to clarify or supplement its review of such *Land Use Actions*.

3.2.5. *Residential Development:* The following criteria shall be applied to the evaluation of the compatibility of proposed residential *Land Use Actions*.

(a) Any subdivision of land for residential uses within *Compatibility Zones 2* through *5* shall not result in an average or single-acre *Density* greater than that indicated in **Table 3A** and Policy 3.5.1. A *Project* site may include multiple parcels.

(b) Other development conditions as also listed in **Table 3A** apply to sites within certain *Compatibility Zones*.

(c) See Policy 1.5.4 for exceptions regarding existing parcels, accessory dwelling units, and other development by right.

3.2.6. *Nonresidential Development:* The usage *Intensity* (people per acre) limits indicated in **Table 3A** for each *Compatibility Zone* are the fundamental criteria against which the safety compatibility of most proposed nonresidential *Land Use Actions* shall be measured. **Table 3A** sets usage *Intensity* (people/acre) limits measured with respect to both a *Project* site as a whole and any single acre within the site. Proposed *Projects* must comply with both limits. See Policy 3.5.3 for guidance on calculating usage *Intensities*. Additional criteria listed in **Table 3A** shall also apply.

(a) The total number of people permitted on a *Project* site at any time, except for *Rare Special Events* (see Policy 3.8.1), must not exceed the indicated usage *Intensity* times the total

acreage of the site. Usage *Intensity* calculations shall include all people (e.g. employees, customers/visitors, etc.) who may be on the property at any single point in time during typical peak-period usage, whether indoors or outside.

(b) No single acre of a *Project* site shall exceed the number of people per acre listed in **Table 3A** and calculated in accordance with Policy 3.5.3. For *Project* sites less than 1.0 acre, the occupancy limit is proportionate to the number allowed in an entire single acre (for example, if the *Intensity* limit for a single acre is 300 people, then a 0.5-acre site could have up to 150 people).

(c) The noise exposure limitations cited in Policy 3.4.1 shall be the basis for assessing the acceptability of proposed nonresidential land uses relative to noise impacts. The ability of buildings to satisfy the interior noise level criteria noted in Policy 3.4.2 shall also be considered.

3.2.7. *Mixed-Use Development: Projects* involving a mixture of residential and nonresidential uses shall be evaluated as follows:

(a) Where the residential and nonresidential uses are proposed to be situated on separate parts of the *Project* site, the residential and nonresidential components shall be evaluated as separate developments. Each component of the *Project* must meet the criteria for the respective land use category in **Table 3A**. Specifically, the residential *Density* shall be calculated with respect to the area(s) to be devoted to residential land uses and the nonresidential *Intensity* calculated with respect to the area(s) proposed for nonresidential uses. This provision means that the residential *Density* cannot be averaged over the entire *Project* site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential *Intensity* cannot be averaged over an area that includes residential uses.

(b) Mixed-use *Projects* in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both the residential *Density* and nonresidential *Intensity* criteria of each land use category proposed to be included in the *Project*. However, mixed-use *Projects* in which the residential uses are proposed to comprise less than 50% of the total floor area of an individual building, need not comply with the applicable residential *Density* limits.

(1) Regardless of the amount of residential use in the *Project*, for the purposes of compliance with usage *Intensity* criteria in **Table 3A**, the normal occupancy of the residential component shall be added to that of the nonresidential component and the total occupancy shall be evaluated with respect to the nonresidential usage *Intensity* criteria cited in **Table 3A**. The *ALUC* may make exceptions to this provision if the residential and nonresidential components of the *Project* would clearly not be simultaneously occupied to their maximum *Intensities*.

(2) Paragraph (b) of this policy is intended for dense, urban-type land use *Projects* where the resultant ambient noise levels are relatively high. See Paragraph (a) for *Projects* in which the residential component is isolated from the nonresidential uses of the site.

(c) Noise attenuation and other requirements that may be specifically relevant to residential uses shall apply to mixed-use *Projects* containing residences.

(d) Residential uses in a mixed-use development shall not be allowed where the residential component would be situated in a *Compatibility Zone* where residential development is indicated as "Incompatible" in **Table 3A**.

3.2.8. *Other Development Conditions:* All types of proposed *Projects* shall be required to meet the additional conditions listed in **Table 3A** for the *Compatibility Zone* where the *Project* is to be located. Among these conditions are the following:

(a) Avigation Easement Dedication: Dedication of an *Avigation Easement* is required for *Projects* in parts of the *Airport Influence Area*, primarily areas closest to the runways. See Policy 3.3.6.

(b) Recorded Overflight Notification: Recording of an *Overflight Notification* is required as a condition for approval of new residential or nonresidential *Project* in *Compatibility Zone 6*. See Policy 3.7.1.

(c) Airport Proximity Disclosure: *Airport Proximity Disclosure* is required in conjunction with certain real estate transactions involving property within the *Airport Influence Area*. See Policy 3.7.2.

(d) Noise Level Reduction: Special features may be necessary to reduce interior noise levels for some types of new construction near the *Airport*. See Policy 3.4.2.

(e) Airspace Review: Proposals for tall buildings, antennas, and other tall objects near the runway ends or on high terrain may require *ALUC* review. See Policy 3.6.1.

3.3. Criteria for Special Circumstances

3.3.1. *Sites Split by Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria in **Table 3A**, *Basic Compatibility Criteria*, a *Project* shall be evaluated as follows:

(a) Any *Project* site that is split by *Compatibility Zone* boundaries shall be considered as if it were multiple sites divided at the *Compatibility Zone* boundary line. See **Exhibit 1** for example.

(b) The criteria for each *Compatibility Zone* within which portions of the site are located shall apply to the proposed building(s) or areas of outdoor congregation of people within that portion.

Exhibit 1: Split by Compatibility Zones

In this example, the restaurant and office uses are split between Compatibility Zones 2 and 3. When determining compliance with the Zone 2 *Intensity* limits, only the portions of the uses in Zone 2, together with the retail use that is fully in Zone 2 are considered. The size of the site in Zone 2 is 3.5 acres.

Compatibility Zone 2

Retail: 50,000 s.f. / 170 s.f. per person = 294 people

Restaurant: 50% of 18,000 s.f. / 60 s.f. per person = 150 people

Office: 50% of 24,000 s.f. / 215 s.f. per person = 56 people

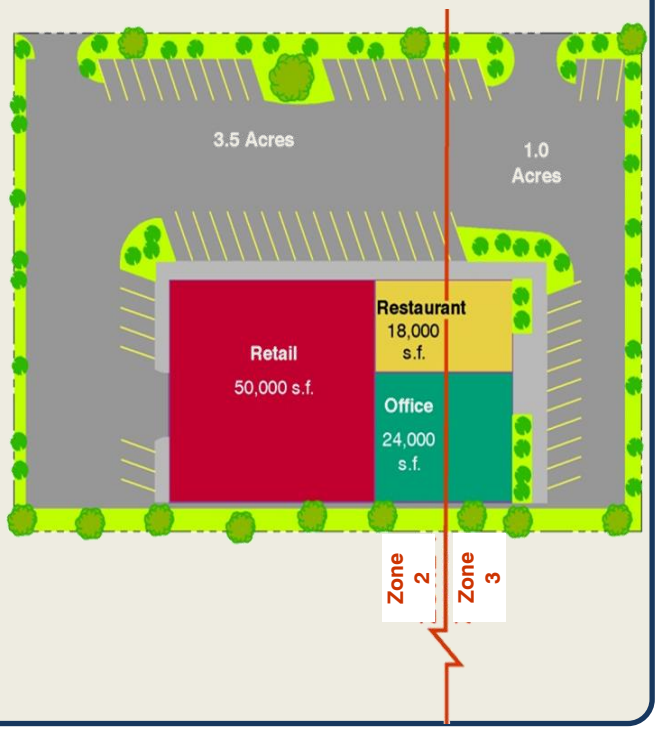
Total Occupancy = 500 people

Intensity: 500 people / 3.5 acres = 143 people/acre*

* Would *exceed* Zone 2 sitewide average limit of 60 people/acre and would be deemed inconsistent.

Compatibility Zone 3

A similar analysis is required for the uses in Zone 3.



3.3.2. *Transferring Usage Intensity:* When a *Project* site is split by a *Compatibility Zone,* modification of the site plan so as to transfer the allowed *Density* of residential development or *Intensity* of nonresidential development from the more restricted portion to the less restricted portion is encouraged. The purpose of this policy is to move people outside of the higher-risk zones.

(a) This full or partial reallocation of *Density* or *Intensity* is permitted even if the resulting *Intensity* in the less restricted area would then exceed the sitewide average *Density* or *Intensity* limits that apply within that *Compatibility Zone* (see **Exhibit 2**).

Exhibit 2: Transferring Usage Intensity

An example of transferring usage *Intensity* to the less restrictive compatibility zone is provided below.

Project Site

Zone 2: 4.0 acres
Zone 3: 1.0 acre

Allowable Total Occupancy

Zone 2: 60 *people*/acre * 2.0 acres = 120 people
Zone 3: 100 *people*/acre * 1.0 acre = 100 people
Total Allowed on Site: 260 people
Total Allowed on Single Acre in 3: 300 people

Transfer People from Zone 2 to Zone 3

Zone 2: 0 people
Zone 3: 260 people

* 260 people in 1.0 acre exceeds the average 100 people/acre limit for Zone 3, but is allowable under usage *Intensity* transfer policy as it does not exceed the single-acre *Intensity* limit of 300 people.

(b) The single-acre *Intensity* criterion for the zone to which the use is transferred must still be satisfied.

3.3.3. *Existing Nonconforming Uses:* Proposed changes to *Existing Nonconforming Uses* (including a parcel or building) that are not in conformance with the criteria in this *UKIALUCP* shall be limited as follows:

(a) Residential uses.

(1) A *Nonconforming* residential land use may be continued, sold, leased, or rented without restriction and is not subject to this *UKIALUCP* or *ALUC* review.

(2) A *Nonconforming* single-family dwelling may be maintained, remodeled, reconstructed (see Policy 3.3.4), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 1.5.4 (Development by Right). However:

- Any remodeling, *Reconstruction*, or expansion must not increase the number of dwelling units (excluding accessory dwelling units as defined by state law and *Local Agency* ordinances).[37] For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is an accessory dwelling unit.
- Any increase in height must comply with the policies in Section 3.6 (Airspace Protection Compatibility Policies).
- A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.

(3) *Nonconforming* multi-family residential dwellings may be maintained, remodeled, or reconstructed (see Policy 3.3.4(a)). The size of individual dwelling units may be increased, but additional dwelling units may not be added.

(4) The *Avigation Easement* dedication and sound attenuation requirements set by Policies 3.3.6 and 3.4.2 shall apply.

(b) Nonresidential uses (other than children's schools):

(1) A *Nonconforming* nonresidential use may be continued, sold, leased, or rented without restriction or *ALUC* review provided that no discretionary *Local Agency* approval (such as a conditional use permit) is required.

(2) *Nonconforming* nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see Policy 3.3.4). However, any such work:

- Must not result in expansion of either the portion of the site devoted to the *Nonconforming Use* or the floor area of the buildings; and
- Must not result in an increase in the usage *Intensity* (people per acre) above the levels existing at the time of adoption of this *UKIALUCP*.
- Must not increase the storage or use of hazardous materials.

(3) The *Avigation Easement* dedication and sound attenuation requirements set by Policies 3.3.6 and 3.4.2 shall apply.

(c) Children's schools (including grades K-12, day care centers with more than 14 children, and school libraries):

(1) Land acquisition for new schools or expansion of existing school sites is not permitted in *Compatibility Zones 1* through *5*.

(2) Replacement or expansion of buildings at existing schools is not allowed in *Compatibility Zones 1* and *2*. In *Zones 3* through *5*, a one-time expansion accommodating no more than 50 students is permitted. This limitation does not preclude work required for normal maintenance or repair.

[37] *Government Code, Section 65852.2.*

(3) The *Avigation Easement* dedication and sound attenuation requirements set by Policies 3.3.6 and 3.4.2 shall apply.

3.3.4. *Reconstruction:* An *Existing Nonconforming* building or land use that has been fully or partially destroyed as the result of a calamity or natural catastrophe, and would not otherwise be reconstructed but for such event, may be rebuilt only under the following conditions:[38]

(a) Single-family or multi-family residential *Nonconforming Uses* may be rebuilt provided that the *Reconstruction* does not result in more dwelling units than existed on the parcel at the time of the damage. Addition of an accessory dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.[39] Additional dwelling units in a multi-family residential development are also permitted if the additional units are allowed by right under local regulations.

(b) *Nonconforming* nonresidential improvements may be rebuilt, even if completely destroyed, 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).

(c) *Reconstruction* under Paragraphs (a) or (b) above:

(1) Must have a permit deemed complete by the *Local Agency* within the time frame established by that agency.

(2) Shall incorporate sound attenuation features to the extent required by Policy 3.4.2.

(3) Shall require dedication of an *Avigation Easement* to the City of Ukiah if required under Policy 3.3.6.

(4) Shall record an *Overflight Notification* in the chain of title of the property if required by Policy 3.7.1.

(5) Shall comply with *14 CFR Part 77 Airspace Protection Surface* requirements (see Section 3.6).

(d) *Reconstruction* in accordance with Paragraphs (a), (b), and (c) above shall not be permitted in *Compatibility Zone 1* or where it would be in conflict (not in conformance) with the general plan or zoning ordinance of the *Local Agency*.

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

3.3.5. *Infill:* Where land uses not in conformance with the criteria set forth in this *UKIALUCP* exist at the time of the plan's adoption, *Infill* development of similar land uses may nevertheless be allowed to occur in that area even if the proposed land use is otherwise incompatible with respect to the compatibility criteria for that location.

(a) *Infill* nonresidential development is allowed in all *Compatibility Zones* except *Compatibility Zone 1* but is discouraged in *Compatibility Zone 2*.

(b) *Infill* is not applicable to residential development. Increased *Density* is enabled through use of the *Urban Overlay Zone* assigned to *Zones 3* and *4* north and west of the *Airport*. See Policy 3.2.3(b) for details.

(c) To qualify as *Infill* nonresidential development, a project site must either:

[38] *Reconstruction* differs from *Redevelopment* (see Policy 1.2.35 for definition) that is subject to the provisions of this *UKIALUCP*.

[39] *Government Code, Section 65852.2.*

(1) Be part of a cohesive area, defined by the *Local Agency* and approved by the *ALUC*, within which at least 65% of the uses were developed prior to the *UKIALUCP* adoption with uses not in conformance with the *UKIALUCP*; or

(2) Meet *all* of the following conditions:
- Already be served with streets, water, sewer, and other infrastructure;
- Have at least 65% of the site's perimeter (disregarding roads) bounded by existing uses similar to, or more intensive than, those proposed;
- Be no larger than 20 acres;
- Not extend the perimeter of the *Infill* area defined by the surrounding, already developed, incompatible uses;
- Cannot previously have been set aside as open land in accordance with Policy 3.5.6 unless replacement open land is provided within the same *Compatibility Zone;* and
- Must be consistent with the *Local Agency's* zoning regulations governing the existing, already developed, surrounding area.

(d) In locations that qualify as nonresidential *Infill* under Paragraph (c) above, the average usage *Intensity* (the number of people per acre) of the site's proposed use shall not exceed the lesser of:
- The median *Intensity* of all existing nonresidential uses that lie fully or partially within a distance of 300 feet from the boundary of the defined *Infill* area; or
- Double the average sitewide *Intensity* permitted in accordance with the criteria for that location as indicated in **Table 3A**.

Example: If the zone allows an average sitewide *Intensity* of 100 people per acre and the median *Intensity* of nearby existing uses is 150 people per acre, the *Infill* development would be limited to 150 people per acre rather than 200.

(e) The single-acre *Intensity* limits for nonresidential development described listed in **Table 3A** are applicable to *Infill* development. Also, *Avigation Easement* dedication and sound attenuation requirements set by Policies 3.3.6 and 3.4.2 shall apply to *Infill* development.

(f) The preference of this policy is that all parcels eligible for *Infill* nonresidential development be identified at one time by the *Local Agency*.

(1) The *Local Agency* is responsible for identifying, in its general plan or other adopted planning document approved by the *ALUC*, the qualifying locations that lie within that agency's boundaries. 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 *UKIALUCP*.

(2) If a map identifying locations suitable for *Infill* has not been submitted by the *Local Agency* and approved by the *ALUC* or the site of an individual *Project* proposal does not fall within the identified *Infill* area, the *ALUC* may evaluate the *Project* when referred for review under Policy 1.4.2 to determine whether it would meet the qualifying conditions listed in Paragraph (c) plus the applicable provisions in Paragraphs (d) and (e) of this policy.

(3) In either case, the burden for demonstrating that an area or an individual site qualifies as *Infill* rests with the affected *Local Agency* and/or *Project* proponent and is not the responsibility of the *ALUC*.

3.3.6. *Avigation Easement Dedication:* As a condition for approval of *Projects* that are subject to the review provisions of this *UKIALUCP* and that meet the conditions in Paragraphs (a) and (b) of this policy, the property owner shall be required to dedicate an *Avigation Easement* to the City of Ukiah as owner of the *Ukiah Municipal Airport*.

(a) *Avigation Easement* dedication is required for all off-airport *Projects* situated on a site that lies completely or partially within any of the following portions of the *Airport Influence Area*:

(1) Within *Compatibility Zones 1* through *5*.

(2) Within the *Airspace Critical Protection Zone* as defined in Policy 3.6.1(c).

(3) Within the *Airspace High Terrain Zone* as defined by Policy 3.6.1(d).

(b) *Avigation Easement* dedication shall be required for any proposed *Project*, including *Infill* development, for which discretionary *Local Agency* approval is required. *Avigation Easement* dedication is not required for ministerial approvals such as building permits or *Land Use Actions* associated with modification of existing single-family residences.

(c) The *Avigation Easement* shall:

(1) Provide the right of flight in the airspace above the property;

(2) Allow the generation of noise and other impacts associated with aircraft overflight;

(3) Restrict the height of structures, trees, and other objects in accordance with the policies in Section 3.6 and the *Airspace Protection Zones* (**Map 3B**);

(4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and

(5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.

(d) An example of an *Avigation Easement* is provided in **Appendix G**.

3.4. Noise Compatibility Policies

NOISE COMPATIBILITY POLICIES BACKGROUND INFORMATION

The following Noise Compatibility Policies Background Information has been considered in formulating the noise compatibility criteria in this section. However, it is provided for informational purposes only and does not itself constitute *UKIALUCP* policy. For additional discussion of noise compatibility concepts, see **Appendix C**.

Policy Objective

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

Measures of Noise Exposure

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

The noise contours for Ukiah Municipal Airport are presented in **Chapter 4** of this *UKIALUCP* and reflect the airport activity levels in **Exhibit 4-3**. The noise contours in **Exhibit 4-4** represent the greatest annualized noise impact, measured in terms of *CNEL*, which is anticipated to be generated by the aircraft operating at the airport over the planning time frame. **Map 4-4** also depicts the Cal Fire aircraft noise contours for a typical fire event day.

Factors Considered in Setting Noise Compatibility Policies

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

- Established state regulations and guidelines, including noise compatibility recommendations in the *California Airport Land Use Planning Handbook* (2011).
- Ambient noise levels in the community, as well as noise from other transportation noise sources. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and vary greatly between rural, suburban, and urban communities.
- The extent to which noise would intrude upon and interrupt the activity associated with a particular use. Susceptibility to speech interference or sleep disturbance as a result of single-event noise levels is a factor in this regard. Noise levels above approximately 65 dBA are sufficient to cause speech interference. Highly *Noise-Sensitive Land Uses* include residences, schools, libraries, and outdoor theaters.
- The extent to which the land use activity itself generates noise.
- The extent of outdoor activity, particularly noise-sensitive activities, associated with a particular land use.
- The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation. (Typical new building construction provides sufficient insulation to attenuate outdoor-to-indoor noise by at least 20 dB.)

3.4.1. *Maximum Acceptable Exterior Noise Exposure:* To minimize *Noise-Sensitive* development in noisy areas around the *Airport*, proposed *Land Use Actions* shall comply with the following.

(1) The maximum *CNEL* considered normally acceptable for residential uses in the vicinity of the *Airport* is 60 dB. The *CNEL* 60 dB contour depicting the Cal Fire Attack Aircraft Typical Fire-Event Day (**Exhibit 4-4**) is one of the factors considered in establishing the *Compatibility Zone* boundaries and residential *Density* criteria.

(2) Except as allowed by right in accordance with Policy 1.5.4, the maximum average and single-acre *Density* of residential uses in *Compatibility Zones 2* through *5* shall be as indicated in **Table 3A,** *Basic Compatibility Criteria,* and Policy 3.5.1.

(b) New nonresidential development shall be deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use.

(1) Highly *Noise-Sensitive Land Uses* are flagged with a symbol (✈) in **Table 3A**, *Basic Compatibility Criteria*.

(2) Caution must be exercised with regard to approval of outdoor uses—the potential for aircraft noise to disrupt the activity shall be taken into account.

(3) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.4.2 and as noted in **Table 3A**.

3.4.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within *Compatibility Zones 2* through *5* shall incorporate sound attenuation design features sufficient to meet the interior noise level criteria specified by this policy. All future structures outside of these *Compatibility Zones* are presumed to meet the interior noise level requirement with no special added construction techniques.[40]

(a) For the following land uses, the aircraft-related interior noise level shall be no greater than *CNEL* 45 dB.

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

(1) Any habitable room of single or multi-family residences (including family day care homes with 14 or fewer children);

(2) Hotels, motels, and other long-term and short-term lodging;

(3) Hospitals, nursing homes and other congregate care facilities;

(4) Places of worship, meeting halls, theaters, and mortuaries; and

(5) Schools, libraries, and museums.

(b) When structures are part of a proposed *Land Use Action*, evidence that the structures will be designed to comply with the criteria in Paragraph (a) of this Policy shall be submitted to the involved *Local Agency* as part of the building permit process. The calculations should assume that windows are closed. The *ALUC* also may request this information if it is necessary for making a consistency determination; however, the *Local Agency* shall be responsible for assuring compliance.

(c) Exceptions to the interior noise level criteria in Paragraphs (a) and (b) of this policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.

3.4.3. *Noise-Sensitive Land Uses*: Single-event noise levels should be considered when evaluating the compatibility of highly *Noise-Sensitive Land Uses* such as residences, schools, libraries, and outdoor theaters (see Policy 1.2.26). Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in **Table 3A** take into account single-event noise concerns.

(a) The *ALUC* may require acoustical studies or on-site noise measurements to assist in determining the compatibility of *Land Use Actions* involving *Noise-Sensitive Land Uses*.

(b) Single-event noise levels are especially important in areas that are regularly overflown by aircraft, but that do not produce significant *CNEL* contours (helicopter overflight areas are a particular example). Flight patterns for the *Airport* should be considered in the review process including in locations beyond the mapped noise contours. The flight patterns for *Ukiah Municipal Airport* are depicted in **Figure 4-6** in **Chapter 4**.

3.5. Safety Compatibility Policies

SAFETY COMPATIBILITY POLICIES BACKGROUND INFORMATION

The following Safety Compatibility Policies Background Information has been considered in formulating the safety compatibility criteria in this section. However, it is provided for informational purposes only and does not itself constitute *ALUC* policy. For additional discussion of safety compatibility concepts, see **Appendix C**.

Policy Objective

The intent of land use safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events should they occur. Risks both to people and property in the vicinity of the *Airport* and to people on board the aircraft are considered (land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section 3.6.)

Measures of Risk Exposure

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

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

Factors Considered in Setting Safety Compatibility Policies

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

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

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

(a) The maximum allowable *Density* for proposed residential development shall be as indicated in **Table 3A**, *Basic Compatibility Criteria*, for each *Compatibility Zone*. All proposed residential uses must comply with both the "sitewide average" and "single-acre" *Density* limits indicated for the *Compatibility Zone* or *Zones* in which the *Project* is located.

(1) The "sitewide average" *Density* equals the total number of dwelling units divided by the *Project* site size in acres (i.e., the total acreage of the *Project* site) which may include multiple parcels.

(2) The "single-acre" *Density* equals the maximum number of dwelling units in any single acre of the *Project*.

(b) Clustering of residential development within any single acre of a *Project* site shall be limited as follows:

(1) Within *Compatibility Zone 1*, residential development is not permitted.

(2) Within *Compatibility Zones 2* through *5*, including within the *Urban Overlay Zone*, clustering shall be limited to no more than 1.5 times the average *Density* as indicated in **Table 3A** for the respective zone.

(c) If a residential land use *Project* is proposed for a site or parcel lying only partly within *Compatibility Zone 2* and residential uses are permitted on that site both under local land use regulations and by right in accordance with Policy 1.5.4 in **Chapter 2**, the dwelling shall, when feasible, be located on the portion of the site outside of these zones or, if such siting is not feasible, then the maximum practical distance from the extended runway centerline.

(d) *Density* bonuses and other bonuses or allowances that *Local Agencies* may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation shall be included when calculating residential densities. The overall *Density* of a development *Project*, including any bonuses or allowances, must comply with the allowable *Density* criteria of this *UKIALUCP*.

(e) Exceptions to *Density* criteria:

(1) The *Density* limits shall not prevent construction of a single-family home on a legal lot of record as of the date of adoption of this *UKIALUCP* provided that the home is not within *Compatibility Zone 1* and the use is permitted by *Local Agency* land use regulations (see Policy 1.5.4 in **Chapter 2**).

(2) Accessory dwelling units, as defined by state law and local regulations, shall be excluded from *Density* calculations.[41]

(3) A family day care home serving 14 or fewer children may be established in any existing dwelling or in any new dwelling permitted by the policies of this *UKIALUCP*.[42]

(f) See Policy 3.2.7 with regard to calculating the *Density* of mixed-use development.

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

(a) The maximum allowable *Intensity* for proposed nonresidential development shall be as indicated in **Table 3A**, *Compatibility Criteria*. All proposed nonresidential uses must comply with both the "sitewide average" and "single-acre" *Intensity* limits indicated for the *Compatibility Zone* or *Zones* in which the *Project* is located.

(1) Nonresidential *Intensity* shall be measured in terms of people per acre and shall be determined as specified in this policy and Policy 3.5.3.

(2) *Intensity* calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. For the purposes of these calculations, the total number of occupants during normal busiest periods shall be used.[43]

(3) Additional or more restrictive criteria may be applicable to *Land Uses of Special Concern* (see Policy 3.5.5).

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[41] *Government Code, Section 65852.2.*

[42] *Health and Safety Code, Section 1596.78.*

[43] This number will typically be lower than the absolute maximum number of occupants the facility can accommodate (such as would be used in determining compliance with building and fire codes).

(b) The need to calculate the usage *Intensity* of a particular *Project* proposal for compliance with the *Intensity* criteria is to be governed by the following:

(1) Land use categories indicated as "Normally Compatible" for a particular *Compatibility Zone* are presumed to meet the *Intensity* criteria indicated for the *Compatibility Zone*. Calculation of the usage *Intensity* is not required unless the particular *Project* proposal represents an atypical example of the usage type.

(2) Calculation of the usage *Intensity* must be done for all proposed *Projects* where the land use category for the particular *Compatibility Zone* is indicated as "Conditional" and the additional criteria column says "Ensure *Intensity* criteria met."

(3) Land use categories indicated as "Conditional" for the particular *Compatibility Zone*, but the criteria are other than "Ensure *Intensity* criteria met," calculation of the usage *Intensity* is not necessary for typical examples of the use. However, the *Project* proposal must comply with the other criteria listed for the applicable land use category.

(c) When a *Project* involves multiple types of nonresidential land use categories as listed in **Table 3A**, the total occupancy for all categories shall be used for determining compliance with the sitewide-average *Intensity* criteria. However, all components, particularly the most intense ones, must comply with the single-acre *Intensity* criteria. Also, any additional criteria listed in **Table 3A** for individual land use categories involved in a *Project* must all be met. For *Intensity* criteria pertaining to mixed-use *Projects* having both residential and nonresidential components, see Policy 3.2.7.

(d) No new structures intended to be regularly occupied are allowed in *Compatibility Zone* 1.

3.5.3. *Methodology for Calculation of Nonresidential Intensities:* Various methods are available by which usage *Intensities* may be calculated (additional guidance is found in **Appendix D**).

(a) Calculation of Sitewide Average-Acre Intensity: The "sitewide average" *Intensity* equals the total number of people expected to be on the entire *Project* site at any one time during normal busiest periods divided by the site size in acres (i.e., the total acreage of the *Project* site) which may include multiple parcels. The number of occupants for a particular proposal or component thereof may be estimated by any of several methods:

(1) Dividing the square footage of the building or component use by the *Occupancy Load Factor* for that use yields the number of occupants (see **Exhibit 3** for an example).[44] Unless data specific to a particular *Project* is available, the *Occupancy Load Factors* to be used are as indicated in **Table 3A**. In considering any such exceptions, the *ALUC* shall also take into account the potential for the use of a building to change over time (see Policy 3.5.4).

(2) For uses with fixed seats—restaurants and theaters, for example—the occupancy should be based upon the number of customer seats plus the number of employees.

(3) For many commercial and industrial uses, the occupancy can be estimated by considering the number of parking spaces required by the *Local Agency* and multiplying by the average number of occupants per vehicle (this method would

[44] Occupancy Load Factors are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category. Usually they will be greater than used in building and fire codes to represent the maximum occupancy. They can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use.

not be suitable for land uses where many users arrive by transit, bicycle, or other means of transportation).

(4) For *Projects* involving a mixture of uses in a building, the *Occupancy Load Factor* for each component use shall be applied to give the occupancy for that use, then the component occupancies shall be added to determine total occupancy.

(b) Calculation of Single-Acre Intensity: The "single-acre" *Intensity* equals the number of people expected to occupy the most intensively used 1.0-acre area(s) of the *Project* site at any one time during normal busiest periods. The single-acre *Intensity* limits for each *Compatibility Zone* are indicated in **Table 3A**. Calculation of the single-acre *Intensity* depends upon the building footprint and site sizes and the distribution of activities on the site.

(1) For *Projects* with sites less than 1.0 acre, the single-acre *Intensity* equals the total number of people on the site divided by the site size.

(2) For *Projects* with sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the *Project* includes substantial outdoor occupancy in which case such usage shall be taken into account.

(3) For *Projects* having both site size and building footprint of more than 1.0 acre, the single-acre *Intensity* shall normally be calculated as the total number of building occupants divided by the building footprint in acres. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then the occupants of that area shall be included in the single-acre calculation.

(4) The 1.0-acre areas to be evaluated shall normally match the building footprints, provided that the buildings are generally rectangular (reasonably close to square) and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.

(5) If a building has multiple floors, then the total number of occupants on all floors falling within the 1.0-acre footprint shall be counted.

3.5.4. *Long-Term Changes in Occupancy:* In evaluating compliance of a proposed nonresidential *Project* with the usage *Intensity* criteria in **Table 3A**, the *ALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria.[45]

3.5.5. *Risk-Sensitive Land Uses:* Certain types of land uses represent safety concerns irrespective of the number of people associated with those uses. *Risk-Sensitive Land Uses* and the nature of the concern are listed below along with the criteria applicable to these uses. In some cases, these uses are not allowed in portions of the *Airport* environs regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function.

[45] Note that this provision applies only to new development and *Redevelopment—Projects* for which discretionary *Local Agency* action is required. It does not to tenant improvements or other changes to existing buildings for which local approval is ministerial.

When the use is allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft.

(a) Uses Having Vulnerable Occupants: These uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations.

(1) The primary uses in this category include, but are not limited to the following:
- Children's schools (grades K–12).
- Day care centers (facilities with more than 14 children[46]).
- In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
- Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
- Penal institutions.

(2) Except congregate care facilities, uses having vulnerable occupants are incompatible within *Compatibility Zones 1* through *5*, including in the *Urban Overlay Zone*. New sites or facilities or expansion of existing sites or facilities shall be prohibited.

(3) Congregate care facilities are permitted in the *Urban Overlay Zone* provided that *Intensity* criteria are met.

(4) All of the above uses shall be allowed within *Compatibility Zone 6*.

(b) Hazardous Materials Storage: Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity.

(1) Facilities in this category include, but are not limited to the following:
- First Group Facilities: Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment elsewhere.
- Second Group Facilities: Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use.

(2) Criteria for new facilities in the first group are as follows:
- Facilities in the first group are incompatible in *Compatibility Zones 1* through *5*. New sites, new facilities, or expansion of existing sites or facilities shall be prohibited.
- In *Compatibility Zone 6*, facilities are allowed only if alternative sites outside *Zone 6* would not serve the intended function.

(3) Criteria for new facilities in the second group are as follows:
- Bulk storage of hazardous materials for on-site use shall be prohibited in *Compatibility Zones 1* and 2.

[46] *Health and Safety Code, Section 1596.78.*

- In *Compatibility Zones 3* and *5*, only the following is allowed: 1) On-*Airport* storage of aviation fuel and other aviation-related flammable materials; 2) storage of nonaviation fuel or other flammable materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation flammable materials in aboveground tanks.
- In *Compatibility Zone 4*, bulk storage of hazardous materials should be avoided, but storage of smaller amounts for near-term on-site use is acceptable. Permitting agencies should evaluate the need for special measures to minimize hazards if the facility should be struck by an aircraft.
- All facilities must comply with the *Intensity* limits set forth in Policy 3.5.2(a)(2) and other criteria noted in **Table 3A**.
- All of the above uses shall be allowed within *Compatibility Zone 6*.

(c) Critical Community Infrastructure: This category pertains to facilities the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility.

(1) These facilities include, but are not limited to, the following:
- Public safety facilities such as police and fire stations.
- Communications facilities including emergency communications, broadcast, and cell phone towers.
- Primary, peaker, and renewable energy power plants, electrical substations, and other utilities.

(2) Criteria for new or expanded facilities of these types are as follows:
- Public safety facilities are incompatible in *Compatibility Zones 1* through *3*. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In *Compatibility Zone 5*, public safety facilities shall be allowed only if the facility serves or has an *Airport-Related* function. In *Compatibility Zone 4*, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of these zones would not serve the intended function of the facility. Public safety facilities shall be allowed within *Compatibility Zone 6*.
- Communications facilities, except ones that are *Airport-Related Uses*, are incompatible in *Compatibility Zones 1* through *3*. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In *Compatibility Zone 4*, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of this zone would not serve the intended function of the facility. Structures shall be located a maximum distance from the extended runway centerline and comply with airspace protection criteria (e.g., height, thermal plumes) set forth in Section 3.6 of this *UKIALUCP*. Communication facilities shall be allowed within *Compatibility Zone 6*.
- Primary power plants are incompatible in *Compatibility Zones 1* through *5;* except that they may be allowed in *Compatibility Zone 6* if an alternative site outside of this zone would not serve the intended function of the facility.
- Peaker plants, renewable energy power plants, electrical substations, and other utilities are incompatible in *Compatibility Zones 1* through *5*. In *Compatibility Zone* 4, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of this zone would not serve the intended function of the facility. Structures shall be located a maximum distance from the extended runway centerline and comply with airspace protection criteria (e.g., height,

electrical interference, thermal plumes) set forth in Section 3.6 of this *UKIALUCP*. These facilities shall be allowed within *Compatibility Zone 6*.

3.5.6. *Open Land:* In the event that a light aircraft is forced to land away from the *Airport*, the risks to the people on board can best be minimized by providing as much open land area as possible within the *Airport* vicinity. This concept is based upon the fact that the majority of light aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site.

(a) To qualify as open land, an area should be:

(1) Free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.

(2) Have minimum dimensions of approximately 75 feet by 300 feet.

(b) Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria.

(c) Open land requirements for each *Compatibility Zone* are specified in **Table 3A**. Open land requirements do not apply within the *Urban Overlay Zone*.

(d) Open land requirements for each *Compatibility Zone* are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development projects.

(e) Clustering of development and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas. Clustering of development should be located a maximum distance from the extended runway centerline. However, see Policies 3.5.1(b) and 3.2.6(b), and **Table 3A** for limitations on clustering of residential and nonresidential development on any single acre.

(f) Building envelopes and the *Compatibility Zones* should be indicated on all site plans and tentative maps for *Projects* located within the *Airport Influence Area*. Portraying this information is intended to assure that individual development *Projects* provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

3.6. Airspace Protection Compatibility Policies

AIRSPACE PROTECTION COMPATIBILITY POLICIES BACKGROUND INFORMATION

The following Airspace Protection Compatibility Policies Background Information has been considered in formulating the Airspace Protection Compatibility policies in this section. However, it is provided for informational purposes only and does not itself constitute *UKIALUCP* policy. For additional discussion of airspace protection concepts, see **Appendix C**.

Policy Objective

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

Measures of Hazards to Airspace

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

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

Factors Considered in Setting Airspace Protection / Object Height Compatibility Policies

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

- Code of Federal Regulations Title 14, Part 77 (*14 CFR 77*), *Safe, Efficient Use and Preservation of the Navigable Airspace* (provides standards regarding FAA notification of proposed objects and height limits of objects near airports).
- FAA Advisory Circular 150/5300-13, *Airport Design* (provides standards regarding safety-related areas in the immediate vicinity of runways).
- Advisory Circular 70/7460-1L, *Obstruction Marking and Lighting* (sets standards for how essential marking and lighting should be designed).

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

Factors Considered in Setting Airspace Protection / Wildlife Hazard Compatibility Policies

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

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

3.6.1. *Evaluating Airspace Protection / Object Height Compatibility for Projects:* The height of structures, trees, and other objects associated with proposed *Projects* within the *Ukiah Municipal Airport Influence Area* shall be evaluated in accordance with:

(a) The policies in this section together with the *Airspace Protection Zones* (**Map 3B**) drawn in accordance with *14 CFR Part 77*, Subpart C and reflecting the runway length, runway end locations, and approach type for the *Airport*. The *Airspace Protection Zones* for *Ukiah Municipal Airport* are depicted in **Map 3B**. These surfaces reflect both the existing and planned future configuration of the runway.

(b) Additionally, where an FAA Aeronautical Study of a proposed object has been required as described in Policy 3.6.3, the results of that study shall be taken into account by the *ALUC* and the *Local Agency* in determining compliance with the criteria of this section.

(c) The *Airspace Critical Protection Zone* consists of the *14 CFR Part 77* primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface together with the *Airspace High Terrain Zone*.

(d) The *Airspace High Terrain Zone* consists of the *Airspace Critical Protection Zone* together with locations where the ground elevation exceeds or is within 35 feet beneath an *Airspace Protection Surface*.

3.6.2. *Object Height Criteria:* The criteria for determining the acceptability of a *Project* with respect to height are as follows:

(a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of an *Airspace Protection Surface*. Any object that penetrates one of these surfaces is, by FAA definition, deemed an obstruction.[47]

(b) Objects not situated within an *Airspace Critical Protection Zone* (see definition in Policy 3.6.1(c)) may be allowed to have heights that penetrate the *Airspace Protection Surfaces* defined by CFR Part 77 criteria under the following conditions:

(1) The objects have a height of 35 feet or less above ground level.

(2) The height of all objects is subject to *Local Agency* zoning limits.

(c) Unless exempted under Paragraph (b) of this policy, a proposed object having a height that exceeds any *Airspace Protection Surface* shall be allowed only if *all* of the following apply:

(1) As the result of an Aeronautical Study, the FAA determines that the object would not be a hazard to air navigation.

(2) FAA or other expert analysis conducted under the auspices of the *ALUC* or the *Airport* operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object that would not cause any of the following:

- An increase in the ceiling or visibility minimums of the *Airport* for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
- A reduction of the established operational efficiency and capacity of the *Airport*, such as by causing the usable length of the runway to be reduced; or
- Conflict with the visual flight rules (VFR), airspace used for the airport traffic pattern or en route navigation to and from the *Airport*.

(3) Marking and lighting of the object will be installed as directed by the FAA Aeronautical Study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed.[48]

(4) An *Avigation Easement* is dedicated in accordance with Policy 3.3.6.

(5) The proposed *Project*/plan complies with all other policies of this *UKIALUCP*.

3.6.3. *Requirements for FAA Notification of Proposed Construction or Alteration: Project* proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.[49] The following is *ALUC* policy on this topic.

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

[48] Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later FAA guidance.

[49] *14 CFR Part 77* requires that a *Project* proponent submit notification of a proposal to the FAA where required by the provisions of *14 CFR Part 77*, Subpart B. California Public Utilities Code Sections 21658 and 21659 likewise includes this

(a) The boundaries of the FAA notification area for *Ukiah Municipal Airport* are depicted on **Map 3B**, *Airspace Protection Zone*.

(b) Reference to FAA notification requirements is included here for informational purposes only, not as an *ALUC* policy.

(c) *Local Agencies* shall inform *Project* proponents of the requirements for notification to the FAA.

(d) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the *ALUC* for review regardless of where within the jurisdiction of the *ALUC* they would be located.

(e) The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of a *Project* by the *ALUC*. If the general plan of the *Local Agency* in which the *Project* is to be located has been determined by the *ALUC* to be consistent with this *UKIALUCP*, then no *ALUC* review is required. If the general plan has not been made consistent, then the proposed *Project* must be referred to the *ALUC* for review if it qualifies as a *Major Land Use Action* (see Policy 1.4.5).

(f) Any *Project* submitted to the *ALUC* for airport land use compatibility review for reason of height-limit issues shall include a copy of the *14 CFR Part 77* notification form (Form 7460-1) with the FAA findings from its aeronautical study (i.e., notice of determination letter). A proposed *Project* may be referred to the *ALUC* in advance of the completion of the FAA Aeronautical Study. However, the completed Aeronautical Study must be forwarded to the *ALUC* when available and the *ALUC* may reconsider its previous consistency determination if the FAA study provides new information and airspace protection was a factor in the *ALUC*'s determination.

3.6.4. *Criteria for Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the *Airport* shall not be allowed within the *Airport Influence Area* unless the uses are consistent with FAA rules and regulations.

(a) Specific characteristics to be avoided include:

(1) Sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays);

(2) Distracting lights that could be mistaken for airport lights;

(3) Sources of dust, steam, or smoke that may impair pilots' vision;

(4) Sources of steam or other emissions that cause thermal plumes or other forms of unstable air;

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requirement. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an "Aeronautical Study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. (See **Appendix B** of this *UKIALUCP* for a copy of *14 CFR Part 77* and online procedures for filing Form 7460-1.)

FAA notification is required if the *Project* contains proposed structures or other objects that exceed the height standards defined in *14 CFR Part 77*, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with *14 CFR Part 77*, Paragraph 77.15. Note that notification to the FAA under *14 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. Also, the FAA notification area extends beyond the *Airport Influence Area* depicted on the *Ukiah Municipal Airport Airspace Protection Zones* map. Specifically, the Subpart B notification airspace surface extends outward and upward at a slope of 100:1 for a horizontal distance of 20,000 feet from the nearest point on the runway.

(5) Sources of electrical interference with aircraft communications or navigation; and

(6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.[50] Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds that pose bird strike hazards to aircraft in flight.

(b) The *ALUC* shall apply applicable Federal Aviation Administration regulations and guidelines as identified in the Background Information box in this section when evaluating *Projects* with regard to these characteristics and shall consult with FAA officials, the California Division of Aeronautics, and *Airport* management, as appropriate. However, a Determination of No Hazard to Air Navigation by the FAA does not automatically equate to a Consistency Determination by the *ALUC*. The FAA may conclude in its Aeronautical Study that a *Project* is an Obstruction but not a Hazard to Air Navigation. However, the *ALUC* may utilize criteria for protecting aircraft traffic patterns at the *Airport* that may differ from the criteria contained in 14 CFR Part 77and may find a *Project* inconsistent based on compatibility factors not addressed by an FAA Aeronautical Study.

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

3.7. Overflight Compatibility Policies

OVERFLIGHT COMPATIBILITY POLICIES BACKGROUND INFORMATION

The following Overflight Compatibility Policies Background Information has been considered in formulating the Overflight Compatibility policies in this section. However, it is provided for informational purposes only and does not itself constitute *UKIALUCP* policy. For additional discussion of overflight compatibility concepts, see **Appendix C**.

Policy Objective

Noise from individual aircraft operations, especially by comparatively loud aircraft, can be intrusive and annoying in locations beyond the limits of the noise exposure areas addressed by the policies in Section 3.4. Sensitivity to aircraft overflight varies from one person to another.

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

Measures of Overflight Exposure

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

Locations where aircraft regularly fly at approximately the traffic pattern altitude—1,000 feet above ground level—or lower are considered to be within the *Airport's* overflight impact area. Note that the flight altitude above ground level will be more or less than this amount depending upon the terrain below. Areas of high terrain beneath the traffic pattern are exposed to comparatively greater noise levels, a factor that is considered in the overflight policies.

Factors Considered in Setting Overflight Compatibility Policies

Factors considered in establishing overflight compatibility policies include the following:

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

3.7.1. *Recorded Overflight Notification:* As a condition for *ALUC* approval of a proposed residential land use *Project* within *Compatibility Zone 6*, an *Overflight Notification* shall be recorded in the chain of title of the property.

(a) The notification shall be of a format similar to that indicated in **Appendix G** and shall contain the following language dictated by state law with regard to *Airport Proximity Disclosure* in conjunction with real estate transfer:

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

(b) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.

(c) A *Recorded Overflight Notification* is not required where an *Avigation Easement* dedication is required as the *Avigation Easement* accomplishes the notification function (see Policy 3.3.6).

(d) Recording of an *Overflight Notification* is not required for nonresidential development.

3.7.2. *Airport Proximity Disclosure:* State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an *Airport Influence Area*. 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."[51] *UKIALUCP* criteria with regard to *Airport Proximity Disclosure* are as follows:

(a) For existing residences:

(1) *Airport Proximity Disclosure* as part of real estate transactions involving existing residences is a matter between private parties. Neither this *UKIALUCP* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither the *UKIALUCP* nor *Local Agencies* have enforcement responsibilities with regard to this disclosure.

(2) The sole responsibility of *Local Agencies* with regard to *Airport Proximity Disclosure* for existing residences is to recommend the boundary of the area within which the disclosure is deemed appropriate and to provide this information to local title companies and real estate agents. The *Airport Influence Area* defined herein for *Ukiah Municipal Airport* establishes the area in which *Airport Proximity Disclosure* is recommended.

(3) *Airport Proximity Disclosure* should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential property anywhere within the *Airport Influence Area*.

[51] See *California Business and Professions Code Section 11010(b) and Civil Code Section 1353(a)*.

(b) For proposed residential development:

(1) The disclosure provisions of state law are deemed mandatory for proposed new residential *Projects* anywhere within the *Airport Influence Area* and shall continue in effect as *UKIALUCP* criteria even if the state law is made less stringent or rescinded. The disclosure shall be of a format similar to that indicated in **Appendix G** and shall contain the language dictated by state law (see Policy 3.7.1(a)).

(2) Signs providing the notice included in Policy 3.7.1(a) and a map of the *Airport Influence Area* shall be prominently posted in the real estate sales office and/or other key locations of any new residential *Project* within the *Airport Influence Area*.

3.8. Exceptions to Land Use Criteria

3.8.1. *Rare Special Events Exception: Local Agencies* may make exceptions for "Conditional" or "Incompatible" land uses associated with rare special events (e.g., an air show at the *Airport*, a street fair, a golf tournament) for which a facility is not designed and normally not used and for which extra precautions can be taken as appropriate.

3.8.2. *Site-Specific Special Conditions Exception:* The policies and criteria set forth in this *UKIALUCP* are intended to be applicable to all locations within the *Airport Influence Area*. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site or *Project* design. After due consideration of all the factors involved in such situations and consultation with *Airport* management, the *ALUC* may find a normally incompatible use to be acceptable.

(a) In considering any such exceptions, the *ALUC* shall take into account the potential for the use of a building to change over time (see Policy 3.5.4). A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agency* permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria must be put in place.

(b) In considering any such exceptions, the *ALUC* shall also take into account the need for special measures to reduce the risks to building occupants in the event that the building is struck by an aircraft. Building design features include, but are not limited to, the following:

- Using concrete walls;
- Limiting the number and size of windows;
- Upgrading the strength of the building roof;
- Avoiding skylights;
- Enhancing the fire sprinkler system;
- Limiting buildings to a single story or placing the high-intensity uses on the first floor to facilitate evacuation of a building if it were to be struck by an aircraft; and
- Increasing the number of emergency exits.

(c) In reaching a decision, the *ALUC* shall make specific findings as to why the exception is being made and that the land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.

(d) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or referring *Local Agency*, not with the *ALUC*.

(e) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

3.8.3. *Airport-Specific Special Conditions Policies:*

(a) Special conditions are acknowledged by the *ALUC* in the adoption of this *UKIALUCP* as follows:

- None at this time.

(b) These special conditions result in establishment of *Compatibility Zone* boundaries and/or compatibility criteria different in character from the zones and criteria applicable to other airports in the county. These special policies are not to be generalized or considered as precedent applicable to other locations near the *Airport*.

3.9. Review Criteria for Ukiah Municipal Airport Development Actions

3.9.1. *Substance of Review:* In accordance with state law, any new or amended *Ukiah Municipal Airport* master plan or development plan is subject to *ALUC* review for consistency with the *UKIALUCP* (see Policy 1.4.4). In conducting any such review, the *ALUC* shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *UKIALUCP*. Attention should specifically focus on:

(a) Proposals for facilities or procedures not assumed herein for the *Airport*, specifically:

(1) Construction of a new runway or helicopter takeoff and landing area.

(2) Change in the length, width, or landing threshold location of an existing runway.

(3) Establishment of an instrument approach procedure that changes the approach capabilities at a particular runway end.

(4) Modification of the flight tracks associated with existing visual or instrument operations procedures.

(b) Proposed changes in the role or character of use of the *Airport*.

(c) New activity forecasts that are: (1) significantly higher than those used in developing the *Airport* noise contours presented in **Chapter 4** or (2) assume a higher proportion of larger or noisier aircraft.

3.9.2. *Noise Impacts of Airport Expansion:* Any proposed expansion of *Airport* facilities[52] that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this *UKIALUCP*, a noise increase shall be considered significant by the *ALUC* if:

(a) In locations having an existing ambient noise level of *CNEL* 60 dB or less, the expansion would increase the noise level by 3.0 dB or more.

[52] As defined in *Public Utilities Code Section 21664.5* and noted in Policy 1.4.3 of **Chapter 2**.

(b) In locations having an existing ambient noise level of more than *CNEL* 60 dB, the expansion would increase the noise level by 1.5 dB or more.

3.9.3. *Consistency Determination:* The *ALUC* shall determine whether the proposed *Airport* plan or development plan is consistent with this *UKIALUCP*. The *ALUC* shall base its determination of consistency on:

(a) Findings that the development and forecasts identified in the *Airport* plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *UKIALUCP*.

(b) Consideration of:

(1) Mitigation measures incorporated into the plan or expansion to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of the California Environmental Quality Act (CEQA); or

(2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by the *Local Agency* in accordance with provisions of CEQA.

(c) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal, tribal or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *UKIALUCP* with respect to that *Airport* (see Policy 1.2.12 for definition of aviation-related use).

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
General Characteristics								
Any use having structures (including poles or antennas) or trees 35 feet or higher								All (except Zone 1): Ensure airspace obstruction does not occur (see Policy 3.6.1 and **Map 3B**) [7]
Any use having the potential to cause an increase in the attraction of birds or other wildlife ✹								4, 5, OAE: Avoid use or provide mitigation consistent with FAA rules and regulations [8]
Any use creating visual or electronic hazards to flight ✹								OAE: Avoid use or provide mitigation consistent with FAA rules and regs [9]
Outdoor Uses (no or limited indoor activities)								
Natural Land Areas: woods, brush lands, desert								1-3: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/ retention ponds ✹								All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹								All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹								All (except Zone 1): Avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈								6: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈								4: Ensure intensity criteria met; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈								3-5: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹								3, 4: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈								2, 3: Must have little or no permanent facilities where people congregate; exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈								4: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)								2-4: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses								
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈								2-5: Ensure density criteria met; limit clustering [10] 2, 4 Locate dwelling max. distance from extended runway centerline where feasible
Multi-Family Residential: townhouses, apartments condominiums ✈								3, 4: Allowed only in Urban Overlay Zone; ensure density criteria met
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈								3, 4: Ensure intensity criteria met

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]								3-5: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities, emergency/homeless shelters, group homes (youth/adult) ✈								3, 4: Ensure intensity criteria met
Educational and Institutional Uses								
Family day care homes (≤14 children) [10] ✈								2-4: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈								6: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]								3-5: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas								6: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]								4: Ensure intensity criteria met

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers ✈ [approx. 60 s.f./person]								3-5: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]								3-5: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈								3, 4: Ensure intensity criteria met
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]								3-5: Ensure intensity criteria met
Penal Institutions: prisons, reformatories								6: Allowed only if alternative site outside zone would not serve intended function; ensure intensity criteria met
Public Safety Facilities: police, fire stations								3-5: Ensure intensity criteria met
Commercial, Office, and Service Uses								
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, super-market [approx. 110 s.f./person]								4: Ensure intensity criteria met
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]								3-5: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]								3-5: Ensure intensity criteria met

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]								2-5: Ensure intensity criteria met 2: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]								2-5: Ensure intensity criteria met 2: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]								2-5: Ensure intensity criteria met 2: Locate structure max. distance from extended runway centerline where feasible
Fueling Facilities: gas stations, trucking and other transportation fueling facilities								2-4: Ensure intensity criteria met 2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons; locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses								
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹								6, OAE: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹								6, OAE: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]								3-5: Ensure intensity criteria met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]								2-5: Ensure intensity criteria met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft 2: Locate structure max. distance from extended runway centerline where feasible
Research and Development Laboratories [approx. 300 s.f./person]								2-5: Ensure intensity criteria met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft 2: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]								2, 3, 5: Ensure intensity criteria met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling								1: Not allowed in Zone 1, only in 1* 1*, 2: Ensure intensity criteria are met [3]; ensure airspace obstruction does not occur

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Mining and Extraction ✹								2-6: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities								
Airport Terminals: airline, general aviation								
Transportation Stations: rail/bus stations; taxi, trucking and other transportation terminals								2-5: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops								2: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures								1: Not allowed in Zone 1, only in 1* 1*, 2: Ensure intensity criteria are met [3]; Ensure airspace obstruction does not occur
Communications Facilities: broadcast and cell towers, emergency communications ✹								2- 6: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline where feasible; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)

Table 3A, continued

Intensity/Density Criteria [1]	Airport Influence Area (See Map 3A) [2]							Intensity Criteria Interpretation
	Compatibility Zones						Other Airport Environs	
	1	2	3	4	5	6		
Max. Sitewide Avg. Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 [3] 0 [3]	60 120	100 300	150 450	100 300	300 1,200	no limit	▪ All nonresidential development must satisfy both sitewide and single-acre intensity limits
Max. Sitewide Average Density (dwelling units/acre) **Urban Overlay Zone (dwelling units/acre)** [4]	0	0.1 (10-ac. lot)	0.5 (2-ac. lot) 15	0.5 (2-ac. lot) 35	1.0	no limit	no limit	▪ See Policy 3.5.1(b) for single-acre density limits ▪ See Policy 3.2.3(b) for application
Open Land Requirement [5]	all remain'g	25%	15%	15%	25%	15%	no req.	▪ See Policy 3.5.6 for application ▪ Not applicable in Urban Overlay Zone
Land Use Category	**Legend** (see last page for interpretation)							**Additional Criteria**
▪ Multiple land use categories may apply to a project ▪ Land uses not specifically listed shall be evaluated using criteria for similar uses ▪ Typical occupancy Load Factor [approx. s.f./person] indicated for certain uses [6]	Incompatible		Conditionally Compatible			Normally Compatible		▪ Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone ▪ See Policy 3.3.6 for avigation easement dedication requirements ▪ See Policy 3.7.1 for Recorded Overflight Notification requirements ▪ See Policy 3.7.2 for Airport Proximity Disclosure requirement
Power Plants: primary, peaker, renewable energy, bio-energy ✹								4, 5: Primary plants not allowed; peaker and renewable energy plants allowed only if site outside zone would not serve intended public function; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.) 4: Locate structures max. distance from extended runway centerline 6: Primary plants allowed only if site outside zone would not serve intended public function
Electrical Substations ✹								3-5: Allowed only if site outside zone would not serve intended public function 4: Locate structures max. distance from extended runway centerline where feasible
Wastewater Facilities: treatment, disposal ✹								3, 4, 6, OAE: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]
Solid Waste Disposal Facilities: landfill, incineration ✹								3, 4, 6, OAE: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]
Solid Waste Transfer Facilities, Recycle Centers ✹								3, 4, 6: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [8]

Table 3A, continued

Land Use Acceptability		Interpretation/Comments
	Normally Compatible	Normal examples of the use are compatible with noise, safety, and airspace protection criteria. Atypical examples may require review to ensure compliance with usage intensity, lot coverage, and height limit criteria.
	Conditional	Use is compatible if indicated usage intensity, lot coverage, and other listed conditions are met. For the purposes of these criteria, "avoid" is intended as cautionary guidance, not a prohibition of the use.
	Generally Incompatible	Use should not be permitted under any circumstances.

Table 3A, continued

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.3 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See Section 3.5 for criteria.

[1] Residential and nonresidential uses must comply with both the "sitewide average" and "single-acre" *Density* and *Intensity* limits indicated for the *Compatibility Zone(s)* in which the *Project* is located (see Section 3.5). *Density* and *Intensity* criteria apply to all uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). *Density* is measured in terms of number of dwelling units per acre. Usage *Intensity* calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time during typical busy periods, whether indoors or outdoors (see Policy 3.2.6). Exceptions can be made for *Rare Special Events* (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see Policy 3.8.1). The usage *Intensities* shall be calculated in accordance with the methodologies cited in Policy 3.5.3.

[2] *Airport Influence Area* (also referred to as the *Referral Area*) includes the area shown in **Map 3A**, 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* includes *Compatibility Zones 1* through *6* plus the *Other Airport Environs* areas underlying the *Airspace Protection Surfaces* shown in **Map 3B**.

[3] Within Compatibility Zone 1*, sitewide average and single-acre intensities of up to 10 people per acre shall be allowed. See Policy 3.2.3(c).

[4] *Urban Overlay Zone* covering portions of *Compatibility Zones 3* and *4* provides exceptions to the indicated basic density criteria to reflect existing land use patterns and allow multifamily residential uses (see Policy 3.2.3(b)).

[5] Open land requirements are intended to be applied with respect to an entire zone (see Policy 3.5.6). This is typically accomplished as part of a local general plan or specific plan but may also apply to large (10 acres or more) development *Projects*. Providing open land is not required in the *Urban Overlay Zone*.

[6] *Occupancy Load Factors* [approximate number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These *Occupancy Load Factors* differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See Policy 3.5.3.

[7] The 35-foot height criterion is an evaluation threshold. Objects shorter than 35 feet do not pose airspace protection issues in these zones. Objects 35 feet high or taller should be evaluated to ensure compliance with airspace protection criteria.

[8] No proposed *Project* shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited 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.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds that pose bird strike hazards to aircraft in flight. See Policy 3.6.4.

[9] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. See Policy 3.6.4.

[10] Clustering of residential development is permitted. However, no single acre of a project site shall exceed 1.5 times the average allowed *Density* for the respective zone, including the *Urban Overlay Zone*. See Policy 3.5.1.

[11] Family day care home means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day. Small family day care homes provide care for eight or fewer children and large family day care homes provide care for 7 to 14 children (Health and Safety Code Section 1596.78).

Table 3A, continued

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Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
1 and **1*** *Runway Protection Zone*	*Noise Impact: Very High* ▪ Mostly above CNEL 60 dB, particularly when Cal Fire aircraft operate	*Risk Level: Very High* ▪ Defined by Handbook Safety Zone 1 as modified to reflect Runway Protection Zones (RPZs) from 2016 Airport Layout Plan (ALP) ▪ UKIALUCP Zone 1* encompasses RPZs for 5,000-foot runway ▪ Aircraft on very close final approach or departure; nearly 20% of near-runway general aviation accidents occur in this zone ▪ Aircraft at altitudes of less than 200 feet above runway ▪ Object heights restricted to <35 feet in some areas
2 *Inner Approach/ Departure Zone*	*Noise Impact: High* ▪ Typically above CNEL 60 dB, particularly when Cal Fire aircraft operate ▪ Single-event noise sufficient to disrupt a wide range of land use activities including indoors if windows open	*Risk Level: High* ▪ Define by Handbook Safety Zone 2 for existing runway configuration ▪ Aircraft overflying at low altitudes on final approach and straight-out departures—typically only 200 to 400 feet above the runway elevation ▪ Some 8% to 22% of near-runway general aviation accidents occur in this zone ▪ Object heights restricted to <35 feet in some areas
3 *Inner Turning Zone*	*Noise Impact: Moderate* ▪ May exceed CNEL 55 dB, particularly when Cal Fire aircraft operate ▪ Single-event noise sufficient to disrupt noise-sensitive land uses	*Risk Level: Moderate to High* ▪ Defined by Handbook Safety Zone 3 ▪ Aircraft—especially smaller, piston-powered aircraft—turning base to final on landing approach or initiating turn to en route direction on departure; aircraft altitude typically less than 500 feet above runway, particularly on landing ▪ About 4% to 8% of near-runway general aviation accidents occur in this zone ▪ Object heights restricted to <35 feet in some areas
4 *Extended Approach/ Departure Zone*	*Noise Impact: Moderate* ▪ May exceed CNEL 55 dB, particularly when Cal Fire aircraft operate ▪ Single-event noise sufficient to disrupt noise-sensitive land uses	*Risk Level: Moderate* ▪ Define by Handbook Safety Zone 4 and northerly portion of Safety Zone 2 for future runway configuration ▪ Aircraft on approach typically less than traffic pattern altitude (less than 1,000 feet above runway) ▪ About 2% to 6% of near-runway general aviation accidents occur in this zone ▪ Object heights restricted to <100 feet in some areas
5 *Sideline Zone*	*Noise Impact: Moderate to High* ▪ Mostly above CNEL 55 dB ▪ Single-event noise sufficient to disrupt noise-sensitive land uses	*Risk Level: Low to Moderate* ▪ Defined by Handbook Safety Zone 5 ▪ Area not normally overflown; primary risk is with aircraft (especially twins) losing directional control on takeoff, excessive crossing gusts or engine torque ▪ About 3% to 5% of near-runway general aviation accidents occur in this zone ▪ Object heights restricted to <35 feet in some areas
6 *Traffic Pattern Zone*	*Noise Impact: Low* ▪ Typically below CNEL 55 dB ▪ Aircraft typically at or below 1,000-foot traffic pattern altitude ▪ Noise more of a concern with respect to individual loud events than with cumulative noise contours; frequent individual noise events sufficient to intrude upon indoor activities	*Risk Level: Low* ▪ Defined by Handbook Safety Zone 6 ▪ Includes areas within the standard traffic pattern and pattern entry routes; aircraft altitude typically 1,000 to 1,500 feet above runway ▪ Risk is a factor for highly risk-sensitive uses (e.g., very high-intensity uses, children's schools, hospitals, bulk storage of highly hazardous materials) ▪ Some 18% to 29% of near-runway general aviation accidents occur here; but the large area encompassed means a low likelihood of accident occurrence in any given location ▪ Airspace concern is generally with object heights >100 feet above runway elevation

Table 3B

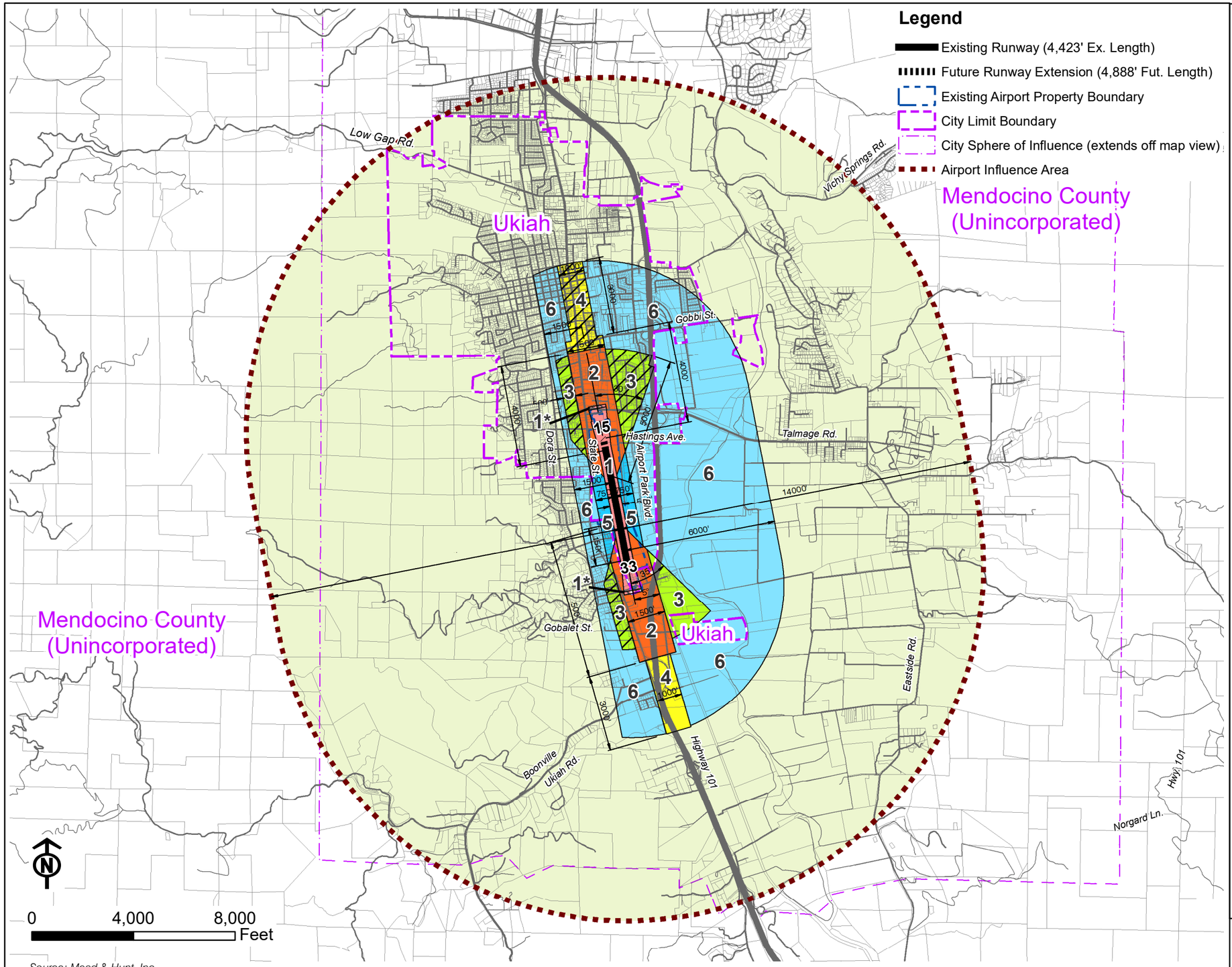
Compatibility Zone Delineation

Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
OAE *Other Airport Environs Zone*	*Noise Impact: Low* ▪ Beyond the 55-CNEL contour ▪ Occasional overflights intrusive to some outdoor activities	*Risk Level: Low* ▪ Includes remainder of area within the CFR Part 77 conical surface which defines the Airport Influence Area ▪ Airspace concern is generally with object heights >100 feet above runway elevation
UO *Urban Overlay Zone* 	*Noise Impact: Low* ▪ Beyond the 55-CNEL contour ▪ Reflects relatively high ambient noise level of urbanized area	*Risk Level: Moderate* ▪ Includes Zones 3 and 4 to north (within City of Ukiah) and Zone 3 to southwest (within unincorporated Mendocino County) ▪ Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area) ▪ Object heights restricted to <35 feet in some areas
ACP *Airspace Critical Protection Zone*	*Noise Impact: Low* ▪ Individual noise events slightly louder because high terrain reduces altitude of overflights	*Risk Level: Moderate to High* ▪ Modest risk because high terrain constitutes airspace obstruction ▪ Key concern is tall single objects (e.g., antennas)
AHT *Airspace High Terrain Zone* 	*Noise Impact: Low* ▪ Individual noise events slightly louder because high terrain reduces altitude of overflights	*Risk Level: Moderate* ▪ Modest risk because high terrain constitutes airspace obstruction ▪ Key concern is tall single objects (e.g., antennas)

Notes:
1. Handbook Safety Zone Source: California Airport Land Use Planning Handbook (2011).

Table 3B (Continued)

Compatibility Zone Factors



Compatibility Zones

- Zone 1: Runway Protection Zone (RPZ)
- Zone 1*: Ultimate Runway Protection Zone (RPZ)
- Zone 2: Inner Aprroach/Departure Zone
- Zone 3: Inner Turning Zone
- Zone 4: Outer Approach/Departure Zone
- Zone 5: Sideline Zone
- Zone 6: Traffic Pattern Zone
- Urban Overlay Zone
- Other Airport Environs

Notes

1. All Compatibility Zones: Reflect safety zones for a General Aviation Runway with Single-Sided Traffic Pattern provided in the 2011 California Airport Land Use Planning Handbook (Handbook).

- Zone 1: Based on the Runway Protection Zones (RPZs) provided in City and FAA approved Airport Layout Plan (2016).

- Zone 1* reflects an ultimate Runway Protection Zone (RPZ) for an ultimate runway length of 5,000 feet to serve future operations by CalFire Lockheed C-130 aircraft.

- Zones 2 and 4 (north): Zone 2 reflects Handbook Safety Zone 2 for existing Runway 15 end. Zone 4 includes outer portions of Handbook Safety Zone 2 for future Runway 15 end. Future northerly runway extension is intended to provide additional runway length for departures to south; landing threshold at Runway 15 end will remain in its current position.

- Zones 2 – 4 (south): Offset by 5-degrees to reflect southern flight route where aircraft use Highway 101 as a landmark

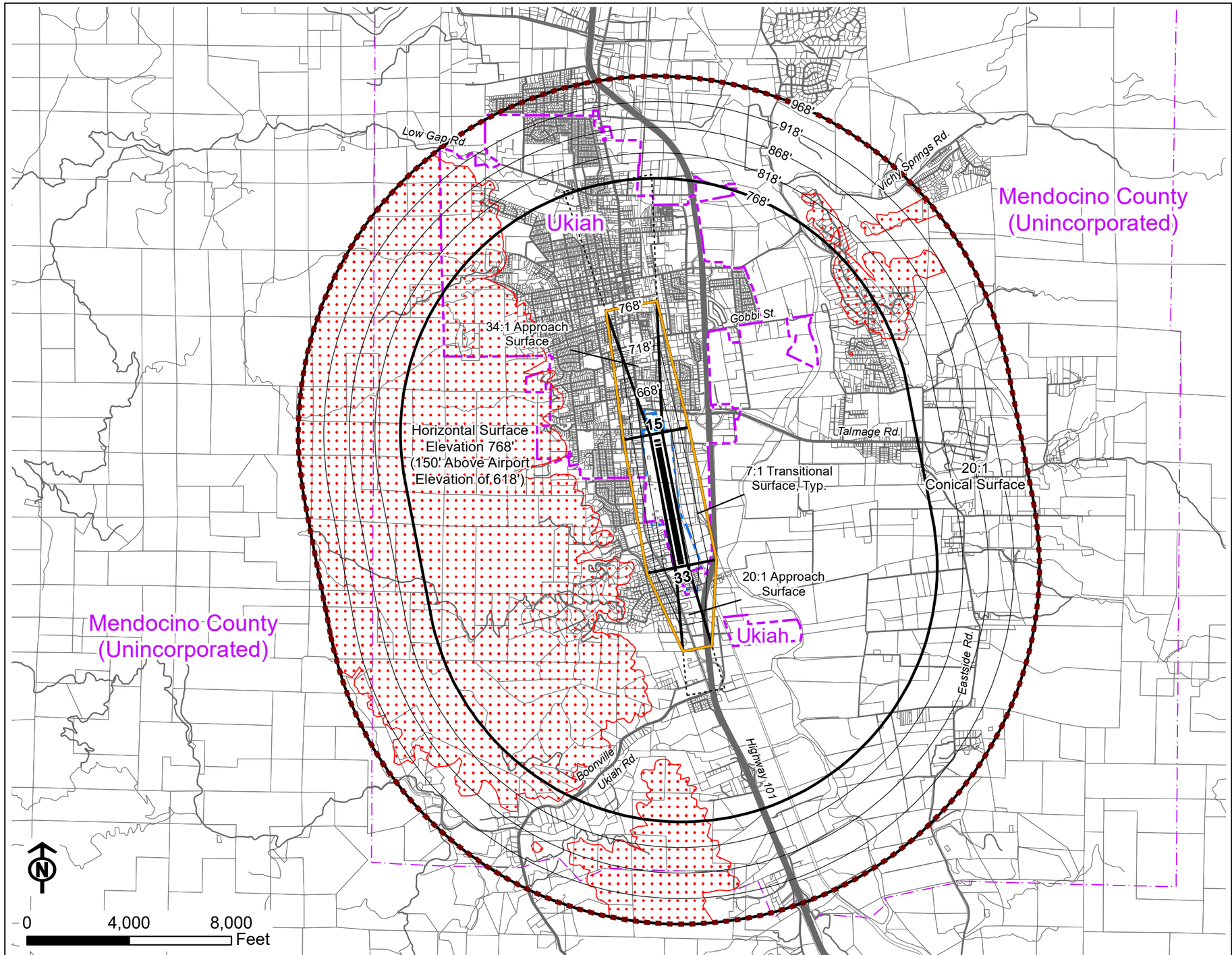
- Urban Overlay Zone: Provides a density increase within Zones 3 and 4 to North and Zone 3 to Southwest to reflect existing land use patterns.

Mendocino County
Airport Land Use Commission

Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Map 3A

Compatibility Policy Map
Ukiah Municipal Airport



Source: Mead & Hunt, Inc.

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area

Airspace Obstruction Surfaces[1]

- Airspace Protection Zones
- Airspace Protection Surface Contour (50' interval)
- Airspace Critical Protection Zone
- Airspace High Terrain Zone

Notes

1. Source: Title 14 Code of Federal Regulation Part 77, Safe, Efficient Use and Preservation of Navigable Airspace as applied to Ukiah Municipal Airport future runway length.

Mendocino County
Airport Land Use Commission

Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Map 3B

Airspace Protection Zones

Ukiah Municipal Airport

Chapter 4
Background Data

4

Background Data: Ukiah Municipal Airport and Environs

INTRODUCTION

Ukiah Municipal Airport is owned and operated by the City of Ukiah and is located within the southern part of the city limits approximately 0.3 miles west of State Highway 101. Ukiah is situated within the southeastern corner of Mendocino County and is surrounded by hills to the west and south, Lake Mendocino to the northeast, and the Mayacamas Mountains to the east.

Land uses near the airport are low-to-moderate-density urban to the north and west as well as immediately to the east between the airport and highway. The city center is located to the north of the airport. The areas south and east are mostly in unincorporated Mendocino County and dedicated to agriculture and commercial development. The City's sphere of influence shows future annexation to the north and west.

Construction of the Ukiah Municipal Airport began in 1942 and included a single 4,000-foot by 150-foot runway and a 50-foot-wide parallel taxiway. In 1954, the runway was extended to 5,000 feet. In 1986, the Runway 15 threshold was relocated southward to meet Federal Aviation Administration (FAA) requirements. The current length of the runway is 4,423 feet. Runway 15 is served with a straight-in, non-precision instrument approach procedure. Runway 33 is served with circle-to-land procedures. The airport presently occupies 160 acres.

Available information suggests that the southward shift of the approach end of Runway 15 was done to provide standard approach surface clearances over the adjacent street (Hastings Avenue). The abandoned portion of the runway was converted to an aligned taxiway. It is unclear why a displaced threshold was not used. In 2015, a planning effort was undertaken to update the Airport Layout Plan (ALP) in advance of a runway pavement rehabilitation project. As part of that ALP, the FAA requested a modification to the aligned taxiway leading to the Runway 15 approach end. The accepted solution was to plan for an eventual shift of the runway end 465 feet to the north utilizing a displaced landing threshold, situated where the current runway end is established, to maintain required clearances over Hastings Avenue. In 2016, the FAA approved and the City of Ukiah adopted the ALP with the proposed 465-foot northerly extension to Runway 15-33. The 2016 approved ALP depicts a future runway length of 4,888 feet and a runway width reduced from 150 feet to 75 feet in accordance with current FAA standards. The Caltrans Division of Aeronautics accepted the ALP in May 2019 as the basis of this *UKIALUCP*.

As shown on the ALP, this proposed extension results in a future Runway Protection Zone (RPZ) that extends farther to the north than the existing RPZ. Given the trapezoidal shape of the RPZ, the existing RPZ encompasses narrow strips of land outside the edges of the future RPZ. The Airport Land Use Compatibility Plan (ALUCP) compatibility zones protect both the existing and future Ukiah Municipal Airport RPZs. At such time as the runway extension has been constructed and the "future" RPZ becomes the "existing" RPZ, the present RPZ can be eliminated from the *UKIALUCP*.

In November 2020, the Ukiah City Council approved a recommendation to the ALUC that the *UKIALUCP* protect for an ultimate 5,000-foot runway to accommodate operations by CalFire Lockheed C-130 fire attack aircraft. The City's recommendation is reflected in the compatibility map and criteria contained in Chapter 3 of this *UKIALUCP* by addition of a Compatibility Zone 1* beyond Zone 1 at each end of the runway. Inclusion of a Compatibility Zone 1* at both runway ends rather than just one preserves the option for the additional runway length to be provided on either the north or the south. Each of the 1* zones encompasses the outer 112 feet of the RPZ associated with a 5,000-foot runway length extended in one direction or the other.

Although this runway length is not specifically depicted in the 2016 ALP, the drawing indicates that City either owns outright or controls avigation easements on the lands that would be within an ultimate RPZ at either end of the runway. Also, land uses within these areas have been restricted under the 1996 ACLUP for the airport where they are shown as lying within Zone A*. The 2021 *UKIALUCP* brings forward the 1996 criteria only to the areas that would be within the shifted RPZs, not the remainder of the former Zone A* areas.

Besides the RPZ, the proposed extension also impacts other aeronautical factors, specifically airspace protection and noise, that directly affects this *UKIALUCP*. The shifted runway end will change the future location of Code of Federal Regulation (CFR) Part 77 Airspace Protection Surfaces. This change is reflected in the 2016 ALP drawing set and is brought forward into this *UKIALUCP* along with the surfaces associated with the existing runway configuration. The outermost boundary of the Part 77 surfaces for the 4,888-foot runway length comprises the Airport Influence Area shown in Chapter 3 and in this chapter's maps. Use of the surfaces associated with a 5,000-foot runway would have insignificant effect on allowable heights of objects near the airport other than potentially within Compatibility Zones 1 and 1*.

Noise contours also differ slightly between the current and 4,888-foot runway configurations. With the future runway end shift, aircraft will begin their takeoff roll on Runway 15 farther north. This slightly increases noise impacts behind the aircraft to the north and reduces the impact beyond the departure end of the runway to the south. Because the Runway 15 landing threshold will remain in the same place as it now is, noise impacts of aircraft landing from the north on Runway 15 will not change. The impacts of aircraft taking off toward the north on Runway 33 will also not be affected. Given that the slight increase in noise impacts is to the north where land use development is greater than to the south, the noise contours utilized in this *UKIALUCP* and shown in Exhibit 4-4 reflect the 4,888-foot runway configuration. The noise impacts associated with a 5,000-foot runway would differ very little from those of the 4,888-foot length if the same mix of aircraft is assumed. Use of the C-130 may somewhat expand the noise contours, but this could be counterbalanced if fewer operations are needed because of the greater fire retardant capacity of these aircraft compared to the current S-2T fleet.

Additional changes proposed on the 2016 ALP include a fee simple land acquisition of approximately 1.4 acres and avigation easement acquisition of 4.2 acres of land to the north of the runway. These acquisitions will occur in the future and protect the area for the northerly runway extension.

The airport is a non-towered general aviation facility; therefore, precise operational statistics are not available. Data on current activity levels, fleet mix, and flight patterns were established through conversations with airport management. Discussions with airport management indicate that operations can vary greatly day-to-day, dependent on the season. The airport serves as a CalFire Air Attack Base. Throughout fire season, CalFire uses the airport to assist in battling wild and forest fires in the region. The airport is also used for flight training in the area, which is most active during the summer months. This *UKIALUCP* takes into account potential long-term growth in airport activity as well as the noise impacts associated with busy fire attack aircraft activity.

The following exhibits illustrate the compatibility factors and background information that serve as the basis for this *Ukiah Municipal Airport Land Use Compatibility Plan*.

- **Exhibit 4-1: Airport Features Summary.** Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.
- **Exhibit 4-2: Airport Layout Plan.** The 2016 FAA-approved ALP, which was accepted by the Caltrans Division of Aeronautics as the basis of this *UKIALUCP* in May 2019, depicts the existing and proposed future configuration of the airfield and airport building areas. It reflects proposed future aviation compatible commercial and industrial areas as well as non-aviation commercial areas. Proposed facility improvements include a proposed tiedown apron, fuel farm, box hangars, and helicopter parking spaces.
- **Exhibit 4-3: Airport Activity Data Summary.** This table summarizes existing and forecast airport activity data. Airport records indicate approximately 15,458 annual operations and 78 based aircraft as of April 2019. The 2016 ALP effort did not include an update to aviation activity forecasts. The 15,458 annual operations count has been provided and confirmed by Ukiah Airport Management. This *UKIALUCP* assumes 30,916 annual operations at the end of the 20-year planning period. This represents a theoretical maximum for compatibility planning purposes.
- **Exhibit 4-4** through **4-7: Compatibility Factors.** Depicts the extents of the four compatibility factors upon which the *Compatibility Zones* for Ukiah Municipal Airport were derived. The four compatibility factors are defined by:
  - *Noise* – Future noise contours reflecting an aircraft activity forecast level of 30,916 annual operations. The *Compatibility Zones* also consider the CalFire noise contours representing a typical fire event day with 44 departures and 44 arrivals split evenly between Runways 15 and 33. The aircraft type modeled is the Grumman S-2 Tracker (S-2T).
  - *Safety* – Generic safety zones provided in the California Airport Land Use Planning Handbook (October 2011) are applied to the existing and future runway configurations in the following manner:
    - Runway 15/33: Safety zones for a medium general aviation runway (length 4,000 feet to 5,999 feet) are applied to the existing (4,423-foot) and future (4,888-foot) runway configurations.
    - North Side Traffic Pattern: Although a future northerly extension of Runway 15 is proposed in the 2016 ALP, the landing threshold will be conterminous with the existing runway end. As such, Zone 2 is based on the existing runway configuration. Zone 4 is enlarged to include the northly portion of Zone 2 for the future runway configuration.
    - East Side Traffic Pattern: Consistent with state guidance, safety zones on the west side of the airport have been adjusted to reflect the airport's single-sided traffic pattern on the east side of

the airport, which is necessitated by high terrain located to the west. Accordingly, Zone 3 is truncated, and Zone 6 is omitted.

- Southern Traffic Pattern: Safety zones south of the approach end of Runway 33 are angled 5 degrees to the east to reflect the common practice used by pilots whereby pilots align with Highway 101 when departing to the south or on approach to Runway 33.

- *Overflight* – Primary traffic patterns reflecting where aircraft operating at the airport routinely fly.

- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Code of Federal Regulation (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*. Surfaces associated with both the existing and future 4,888-foot runway configurations are depicted. The surfaces for an ultimate 5,000-foot runway are not shown.

- **Exhibit 4-8: Airport Environs Information.** Summarizes information about current land uses in the environs of the Ukiah Municipal Airport. The status of local general plans and airport land use compatibility policies contained in those plans are also summarized.

- **Exhibit 4-9: County of Mendocino General Plan Land Uses.** Shows the planned land use designations as reflected in the Mendocino County General Plan (adopted August 2009).

- **Exhibit 4-10: City of Ukiah General Land Uses.** Shows planned land use designations as reflected in the Ukiah Valley General Plan and Growth Management Program (adopted December 6, 1995).

GENERAL INFORMATION

- *Airport Ownership:* City of Ukiah
- *Property Size:* 160 acres
- *Airport Classification:* General Aviation, regional use
- *Airport Elevation:* 616.8 MSL

AIRPORT PLANNING DOCUMENTS

- Airport Master Plan (July 1996)
- Airport Layout Plan (April 2015; FAA approval January 2016)

RUNWAY/TAXIWAY DESIGN

Runway 15/33

- *Critical Aircraft:* Beech King Air 200
- *Airport Category/Design Group:* Airport Reference Code B-II
- *Dimensions:* 4,423 ft. long, 150 feet wide
- *Pavement Strength (main landing gear configuration)*
  - Single wheel: 28,000 lbs
- *Average Gradient:* 0.3% (rising to north)
- *Runway Lighting:* MIRL
  - Runway 15/33: REIL & VASI
  - Runway 15: REIL Runway 33
- *Primary Taxiways:* 50-foot wide parallel taxiway

TRAFFIC PATTERNS AND APPROACH PROCEDURES

- *Airplane Traffic Patterns*
  - Left traffic on Runway 15; right traffic on Runway 33
  - Pattern altitude: 800 feet AGL
- *Instrument Approach Procedures*
  - Runway 15 LOC (nonprecision):
    - Straight-in: 1 1/4 mile visibility, 1,800 ft. min. descent ht.
    - Missed approach turns east
    - Circling (1 1/4 mi. visibility, 1,800 ft. min. descent height)
  - Runway 33 VOR (nonprecision):
    - Approach course from southeast (022°)
    - Circling: 1 1/4 mile visibility, 2,800 ft. min. descent ht.
  - Runway 33 RNAV (GPS):
    - Approach course from south
    - Circling: 1 ¼ mile visibility, 2,000 ft. min descent ht.
- *Visual Approach Aids*
  - Airport: Beacon
  - Runway 15: VASI 4L, REIL
  - Runway 33: REIL
- *Other*
  - CalFire Air Attack/Helitack Base located on Airport property.

APPROACH PROTECTION

- *Runway Protection Zones (RPZs)*
  - Runway 15: 500 ft. x 700 ft. x 1,000 ft.
  - Runway 33: 500 ft. x 700 ft. x 1,000 ft.
- *Approach Obstacles*
  - Runway 15: 27 ft. trees, 950 ft from runway, 190 ft. right of centerline, 27:1 slope to clear
  - Runway 33: 27 ft. trees, 700 ft. from runway, 135 ft. left of centerline, 18:1 slope to clear

BUILDING AREA

- *Location*
  - Most facilities west of Runway 15/33
- *Aircraft Parking Capacity*
  - Four primary tie-down areas; 65 spaces
  - Two T-hangar buildings; appx. 20 aircraft
  - One shade hangar; 14 aircraft
  - One primary auto parking area; appx. 75 spaces
- *Other Major Facilities*
  - City limits are predominately to the northwest
  - South and east area is dedicated to agriculture and commercial development
  - Highway 101 less than one mile to the east of the airport
- *Services*
  - Airport has one fixed base operator (City of Ukiah)
  - Aviation gasoline (self-service available)
  - 100LL and Jet A
  - Aircraft rental; flight instruction; pilot supplies

PLANNED FACILITY IMPROVEMENTS

- *Airfield*
  - Extend runway 465 feet to north to 4,888 feet
  - Acquire Fee Simple of 6.7 acres
  - Acquire Avigation Easement of 1.5 acres
  - Preserve option of extending runway to 5,000 feet
- *Building Area*
  - Tiedown Apron
  - Fuel Farm
  - Wash Rack
  - PAPI
  - Box Hangars
  - Helicopter Parking Spaces
- *Approach Protection*
  - None

Notes

Sources: Data Compiled by Mead & Hunt (March 2019); Airport Layout Plan (1996), FAA 5010, AIRNAV, City of Ukiah.

Exhibit 4-1

Airport Features Summary

Ukiah Municipal Airport

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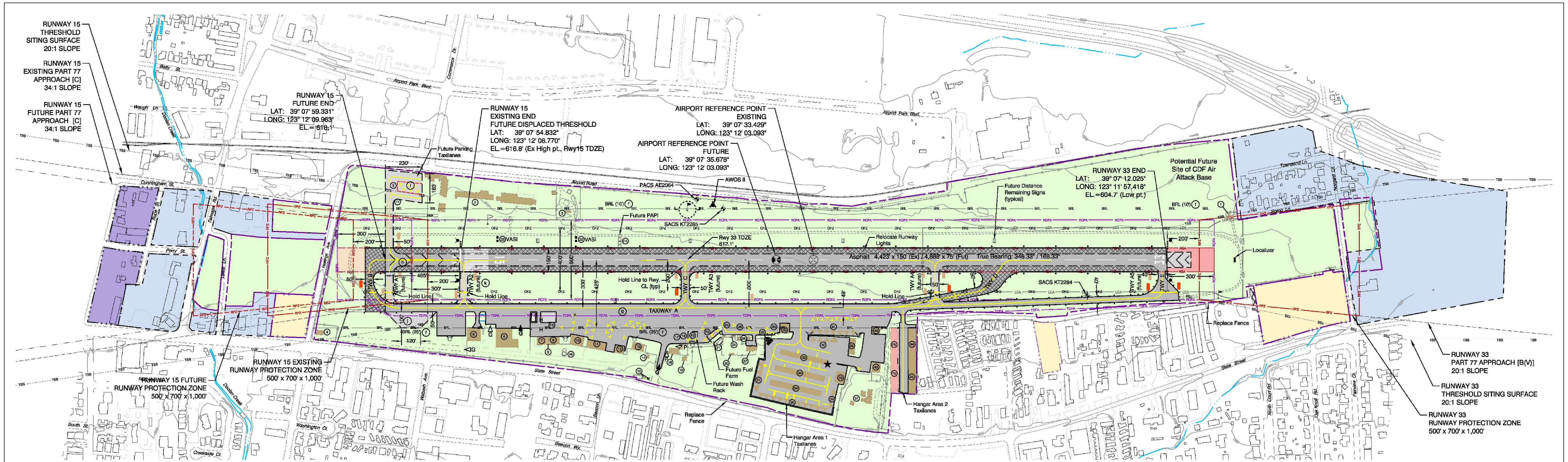


DRAWING LEGEND	EXISTING	FUTURE
ACTIVE AIRFIELD PAVEMENT		
PAVEMENT TO BE REMOVED	N/A	
AIRPORT PROPERTY		
AVIGATION EASEMENT		
EXISTING AV. EASEMENT / FUTURE PROPERTY		
AIRPORT REFERENCE POINT		
RUNWAY SAFETY AREA	RSA	RSA
RUNWAY PROTECTION ZONE	RPZ	RPZ
RUNWAY OBJECT FREE AREA	ROFA	ROFA
OBSTACLE FREE ZONE	OFZ	OFZ
PART 77 RUNWAY APPROACH SURFACE		
THRESHOLD SITING SURFACE	TSS	TSS
TAXIWAY OBJECT FREE AREA	TOFA	TOFA
LOCALIZER CRITICAL AREA	LCA	N/A
BUILDING RESTRICTION LINE	BRL	N/A
BUILDING - ON AIRPORT		
BUILDING - OFF AIRPORT		N/A
BUILDING - OFF AIRPORT, TO BE REMOVED	N/A	
PAVED ROAD		
AIRPORT SERVICE ROAD - PAVED		N/A
AIRPORT SERVICE ROAD - GRAVEL		N/A
FENCE		
VEHICLE GATE/PEDESTRIAN GATE	◀G / ◀P	◁G / ◁P
WIND CONE		
AIRFIELD SIGNS		
VASI (VISUAL APPROACH SLOPE INDICATOR)	■■	N/A
PAPI (PRECISION APPROACH PATH INDICATOR)	N/A	□□□□
AIRFIELD LIGHTS: SINGLE/GROUP/REILS	● / ●●●● /	○ / ○○○○ / N/A
BEACON	★	N/A
YELLOW CHEVRON MARKINGS	N/A	〉 〉 〉
UTILITY POLE		N/A
SECURITY LIGHTING	N/A	
DISTANCE REMAINING SIGN	N/A	
TOPOGRAPHIC CONTOURS	XXX	N/A
MONUMENT		N/A
WATERWAY / CULVERT		N/A
HELICOPTER PAD	N/A	H
SECTION CORNER		N/A

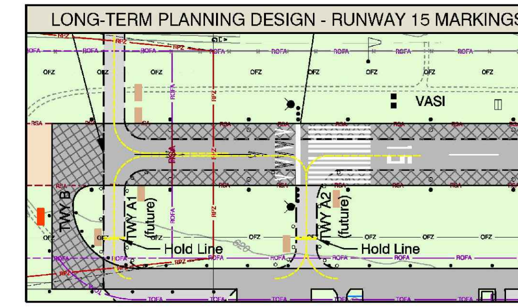
AIRPORT DATA

		EXISTING	FUTURE
AIRPORT REFERENCE CODE		B-II-5000	No Change
MEAN MAX. TEMP. (Hottest Month) (d)		92.7° F (July)	No Change
AIRPORT ELEVATION (Above Mean Sea Level) (c)		617.0'	618.1'
AIRPORT NAVIGATIONAL AIDS		Localizer, Vortac, GPS, Beacon, VASI, REILs, ASOS	Same + PAPI replacing VASI
AIRPORT REFERENCE POINT (b)	LATITUDE	39° 07' 33.429" N	39° 07' 35.678" N
	LONGITUDE	123° 12' 03.093" W	123° 12' 03.093" W
MISCELLANEOUS FACILITIES		Fuel (100LL+JetA), powerplant & airframe service, FBOs	No Change
CRITICAL AIRCRAFT		Beech King Air 200	No Change
MAGNETIC VARIATION (e)		14° 17' 35" E (April 2014)	Moving 0° 6.9' W / Year
NPIAS SERVICE LEVEL		General Aviation	No Change
STATE SERVICE LEVEL		Regional	No Change
AIRPORT ACREAGE	Fee Simple	160.2 acres	166.9 acres
	Avigation Easement	40.9 acres	39.4 acres

EXISTING BUILDING AND FACILITY LEGEND

EXISTING FACILITIES	ELEVATION	EXISTING FACILITIES	ELEVATION	EXISTING FACILITIES	ELEVATION
(1) Localizer Equipment Building	614'	(17) Covered Picnic Area	635'	(33) T-hangars (10)	637'
(2) City of Ukiah - Corporate Yard	632'	(18) Storage	625'	(34) Shade Hangars (14)	636'
(3) Fuel Storage Tank	620'	(19) Commercial Building	640'	(35) Portable T-hangars	636'
(4) Commercial Building	641'	(20) Portable Office	636'	(36) Portable T-hangars	636'
(5) Box Hangar	645'	(21) Storage	631'	(37) Oak Valley Nursery	635'
(6) FBO (2)	642'	(22) VASI (visual approach slope indicator)	617'	(38) Box Hangar	650'
(7) FBO	644'	(23) Covered Storage	627'	(39) Box Hangar (2)	638'
(8) Portable Office	635'	(24) Electrical Vault	625'	(40) Portable T-hangars	630'
(9) Box Hangar	644'	(25) Storage	623'	(41) Portable T-hangars	626'
(10) Airport Maintenance	643'	(26) Fire Retardant Storage	625'	(42) FBO	631'
(11) FBO (2)	642'	(27) FBO Offices	643'	(43) FBO	643'
(12) Box Hangar	639'	(28) Portable T-hangar	630'	(44) Box Hangars (4)	640'
(13) Airport Administration	644'	(29) Storage	623'	(45) Box Hangars (4)	643'
(14) Storage Building	644'	(30) Box Hangar	639'	(46) Street Sweeper Fuel Station	634'
(15) Electrical Vault and Future Standby Generator	641'	(31) Portable T-hangars	635'		
(16) Commercial Building	641'	(32) T-hangars (10)	634'		

LONG-TERM PLANNING DESIGN - RUNWAY 15 MARKINGS



LAYOUT PLAN NOTES

- ALP prepared using design criteria from FAA Advisory Circulars 150/5300-13A Change 1, "Airport Design", 150/5070-6A, "Airport Master Plans" and Part 77 of the Federal Aviation Regulations (FAR), "Safe, Efficient Use, and Preservation of the Navigable Airspace."

(a) The proposed 465 foot runway extension project identified herein is for long-term planning purposes only. This proposed project shall not be undertaken without prior NEPA environmental processing and written FAA approval. Precondition will include FAA Forecast approval and FAA approval off airfield standard design.

(b) All coordinates NAD83. Horizontal data source: AGIS Survey by Woolpert, March 2009.

(c) All elevations NAVD88. Data source: AGIS Survey by Woolpert, March 2009.

(d) Temperature Source: Western Regional Climate Center. Station #049122, Ukiah, California.

(e) Magnetic Declination Source: NOAA, National Geophysical Data Center.

(f) The building restriction line (BRL) is based on a composite of airfield design setbacks such as the taxiway object free area (TOFA) and Part 77 airspace surfaces. Allowable building elevations above ground level are noted at each line: 25 feet above runway elevation on west side of runway, and 10 feet above runway elevation on east side of runway.

(g) Taxiway object free area (TOFA) from Taxiway A centerline is based on critical aircraft wingspan. Taxiway centerline to object separation equal to 0.7 times the critical aircraft wingspan plus 10 feet. [0.7(54.5')+10']=49 feet. Wing tip clearance equal to 0.2 times the wingspan plus 10 feet. [0.2(54.5')+10']=21 feet.

(h) Future chevrons shown as near-term marking solution. See inset below for long-term marking design.

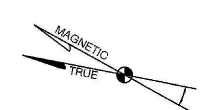
(i) Proposed tie-down apron is depicted for long-term planning purposes only.

(j) Proposed run-up apron is depicted for long-term planning purposes only.

(k) Proposed New Taxiway A2 to existing Runway 15 end threshold and new chevrons aft of existing Runway 15 end will correct and eliminate the non-standard aligned taxiway design.

FUTURE FACILITIES

(F1)	Proposed Tiedown Apron
(F2)	Future Fuel Farm
(F3)	Future Wash Rack
(F4)	Future PAPI
(F5)	Future Box Hangars
(F6)	Future Helicopter Parking Spaces



DECLINATION: 14° 17' 35" E
(April 2014)
ANNUAL RATE OF CHANGE: 6.9' W

300'
0 FEET 600'

Accepted by Caltrans Division of Aeronautics as basis of ALUCP on 5/23/19

SUBMITTED BY:

By ______________ Date

FAA Approval Space

NO.	REVISION	SPONSOR	DATE
2	Corrected Part 77 Approach Slope to Runway 15	Mead & Hunt, Inc.	April 2019
1	ALP Update (AC 13A Compliance, Rwy. Width Reduction, Rwy End Mods)	Mead & Hunt, Inc.	April 2015

UKIAH MUNICIPAL AIRPORT
UKIAH, CALIFORNIA

AIRPORT LAYOUT PLAN

Mead & Hunt
133 Aviation Boulevard, Suite 100
Santa Rosa, California 95403
(707) 526-5010
Fax (707) 526-9721
www.meadhunt.com

City of Ukiah

DESIGN: CS/BM | DRAWN: TE/DS | DATE: April 2015 | SHEET 2 OF 11

The preparation of this document may have been supported, in part, through the Airport Improvement Program financial assistance from the Federal Aviation Administration (Project Number Unassigned) as provided under Title 49 U.S.C., Section 47104. The contents do not in any way constitute a commitment on the part of the United States to participate in any development depicted therein nor does it indicate that the proposed development is environmentally acceptable or would have justification in accordance with appropriate public laws.

BASED AIRCRAFT

	Current [c] *2019*	*Future* [a] *2039*
Aircraft Type		
Single-Engine	70	70
Multi-Engine	2	2
Jet	0	0
Helicopters	2	2
Gliders	1	1
Military	0	0
Ultra-Light	3	4
Total	*78*	*79*

AIRCRAFT OPERATIONS

	Current [c] *2019*	*Future* [a] *2039*
Total		
Annual	15,458	30,916
Average Day, Annual	42	85
Distribution by Operation Type [c]		
Local (incl. touch-and-goes)	38%	No
Itinerant	62%	Change
Distribution by Aircraft Type [a]		
General Aviation		
Single-Engine Piston	77%	
Single-Engine Turbine	9%	
Twin-Engine Piston	1%	
Jet	<1%	No
Helicopter	6%	Change
Gliders	<1%	
Military	<1%	
Ultra-Light	<1%	
Fire Attack	6%	

RUNWAY USE DISTRIBUTION

	Current	*Future*
Takeoffs & Landings		
Single-Engine Aircraft		
Runway 15	50%	50%
Runway 33	50%	50%
Twin-Engine & Business Jet Aircraft		
Runway 15	50%	50%
Runway 33	50%	50%

TIME OF DAY DISTRIBUTION

	Day	*Evening*	*Night*
Single-Engine Aircraft	95%	4%	1%
Twin-Engine Aircraft & Business Jet Aircraft	95%	4%	1%

FLIGHT TRACK USAGE [b]

All Aircraft

- Left traffic on Runway 15; right traffic on Runway 33
- Noise abatement departure procedure in effect for departures on Runway 33

Notes

[a] Source: Prepared by Mead & Hunt, 2019
[b] Source: *Ukiah Municipal Airport Master Plan (1996)*
[c] Source: FAA 5010 Airport Master Record (2019)

Source: Data Compiled by Mead & Hunt (May 2019)

Exhibit 4-3

Airport Activity Data Summary

Ukiah Municipal Airport

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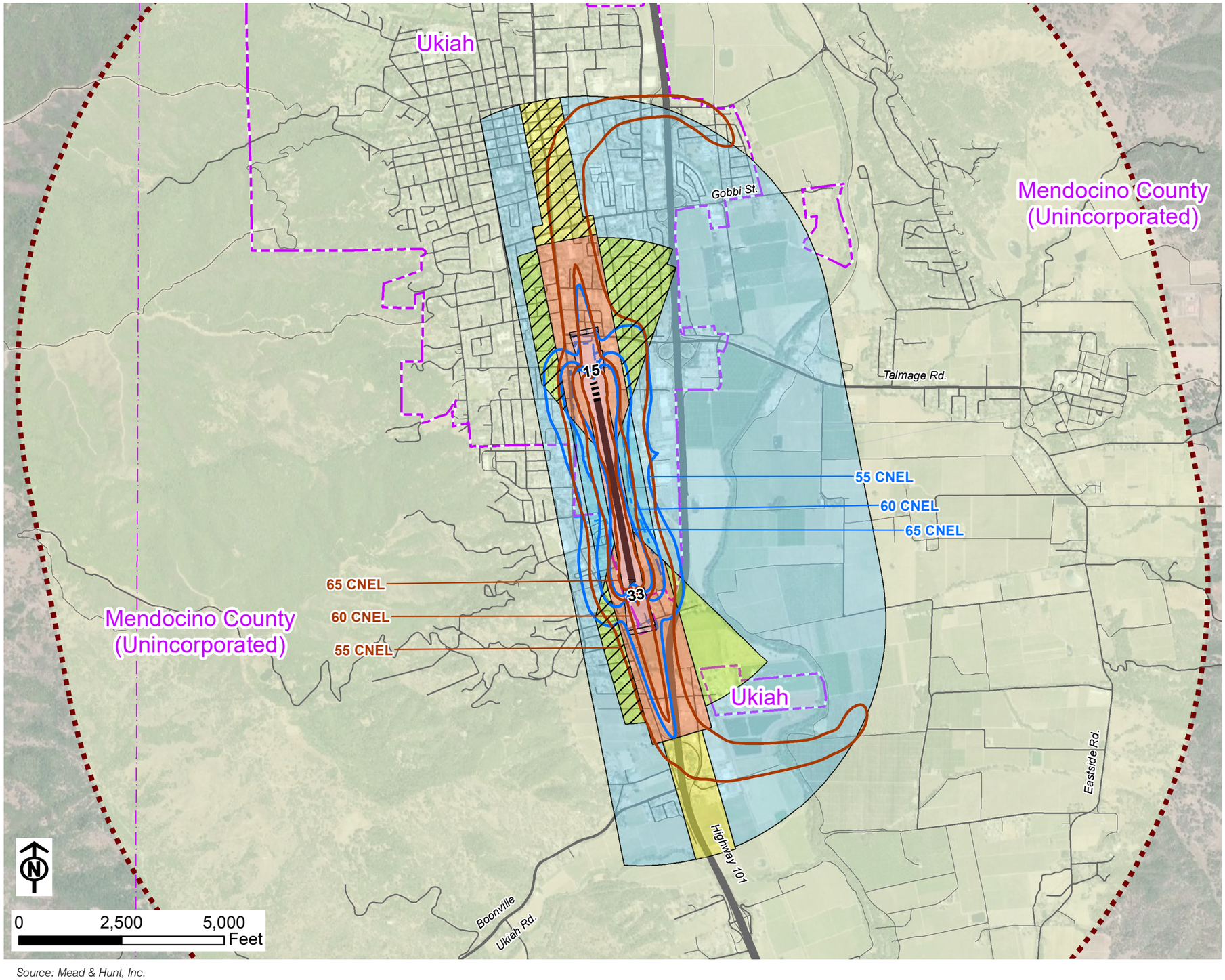


Source: Mead & Hunt, Inc.

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area[3]

Compatibility Zones

- Zone 1: Runway Protection Zone (RPZ)
- Zone 1*: Ultimate Runway Protection Zone (RPZ)
- Zone 2: Inner Aprroach/Departure Zone
- Zone 3: Inner Turning Zone
- Zone 4: Outer Approach/Departure Zone
- Zone 5: Sideline Zone
- Zone 6: Traffic Pattern Zone
- Urban Overlay Zone
- Other Airport Environs

Airport Noise Contours

- Avg. Annual Day (30,916 Future Annual Ops)[1]
- Cal Fire Typical Fire-Event Day[2]

Notes

1. Source: Mead & Hunt, Inc. (May 2019). Forecast based on 2019 activity data provided by Ukiah Municipal Airport Management. Forecast represents a theoretical maximum for compatibility planning purposes.

2. Source: Mead & Hunt, Inc. (2019). The Cal Fire noise contours represent a typical fire event day with 44 Departures and 44 arrivals split evenly between Runways 15 and 33. Aircraft type modeled was the S-2T.

3. Portions of the Airport Influence Area may extend beyond map limits.

Mendocino County
Airport Land Use Commission

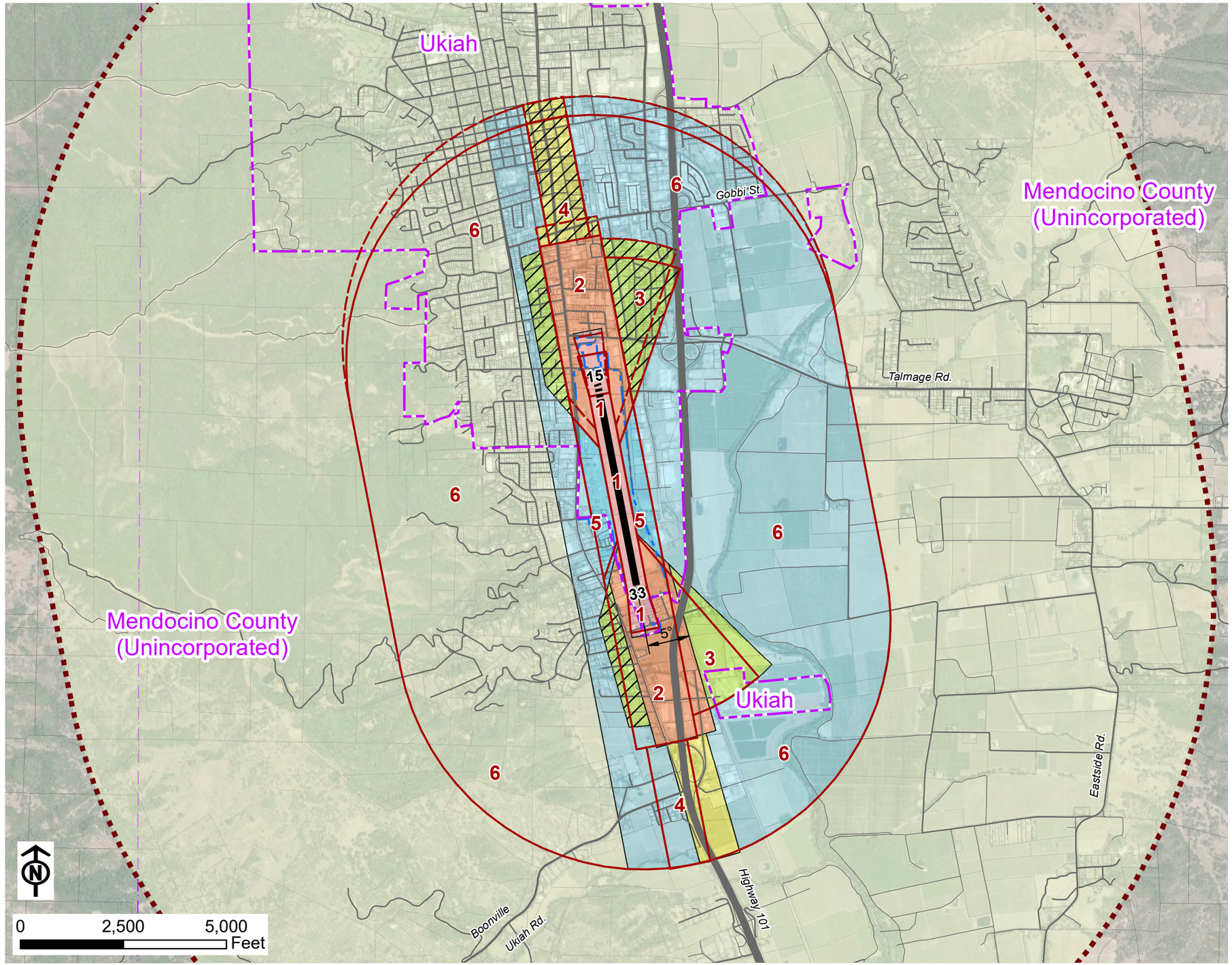
Ukiah Municipal Airport
Land Use Compatibility Plan

(Adopted May 20, 2021)

Exhibit 4-4

Compatibility Factors: Noise

Ukiah Municipal Airport



Source: Mead & Hunt, Inc.

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area[2]

Compatibility Zones

- Zone 1: Runway Protection Zone (RPZ)
- Zone 1*: Ultimate Runway Protection Zone (RPZ)
- Zone 2: Inner Aprroach/Departure Zone
- Zone 3: Inner Turning Zone
- Zone 4: Outer Approach/Departure Zone
- Zone 5: Sideline Zone
- Zone 6: Traffic Pattern Zone
- Urban Overlay Zone
- Other Airport Environs

[1]

Handbook Safety Zones (Med. GA Runway)

- Safety Zones (Applied to Existing Runway)
- Safety Zones (Applied to Fut. Runway Extension)

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

Notes

1. Source: California Airport Land Use Planning Handbook (Handbook) published by California Department of Transportation, Division of Aeronautics (2011). Consistent with Handbook, Zone 1 modified to reflect the Runway Protection Zone (RPZ) on FAA-approved Airport Layout Plan (2015).

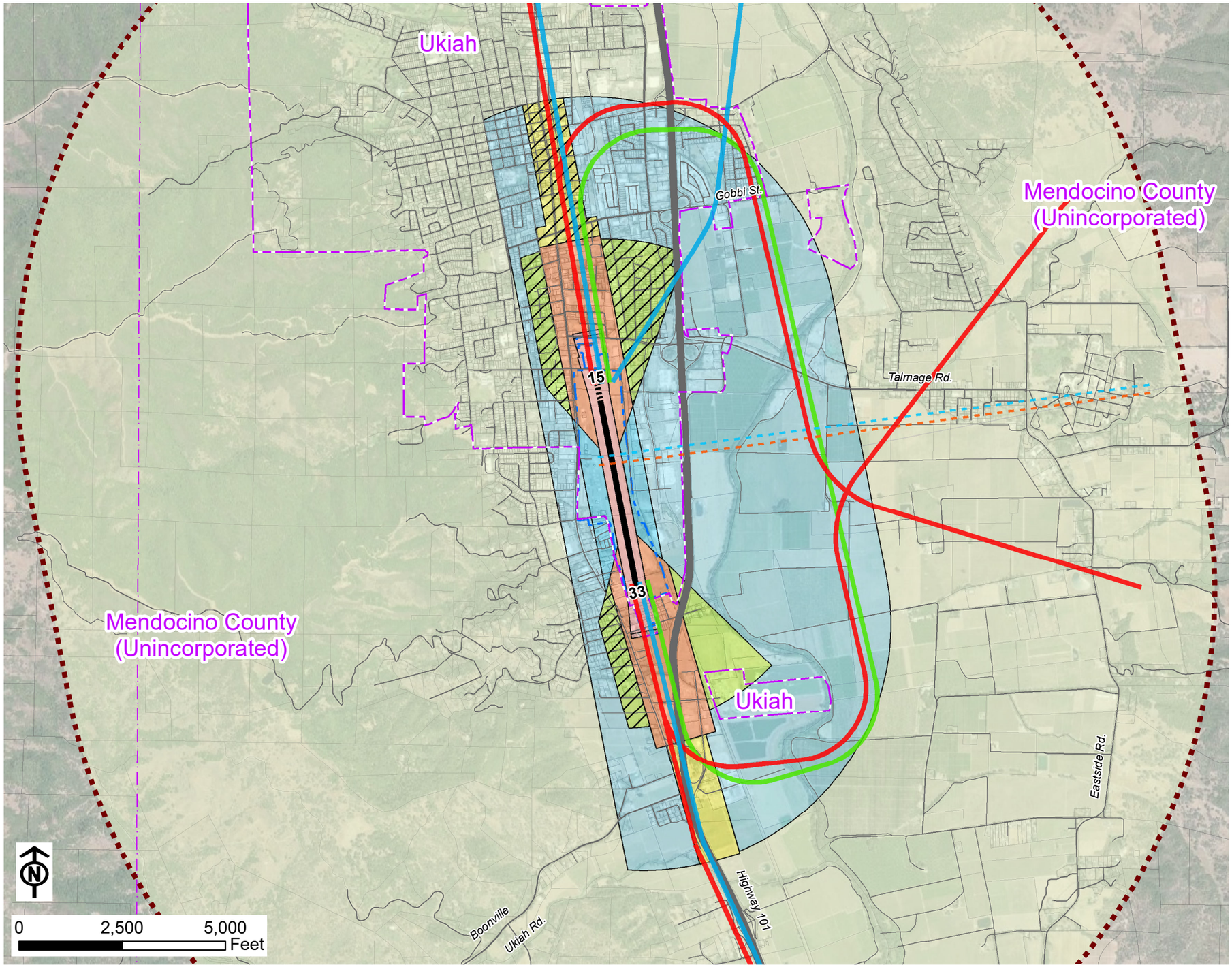
2. Portions of the Airport Influence Area may extend beyond map limits.

Mendocino County
Airport Land Use Commission
Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Exhibit 4-5

Compatibility Factor: Safety

Ukiah Municipal Airport



Source: Mead & Hunt, Inc.

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area [2]

General Flight Patterns [1]

- Fixed Wing Aircraft - Arrival
- Fixed Wing Aircraft - Departure
- Fixed Wing Aircraft - Touch-and-Go
- Helicopter - Arrival
- Helicopter - Departure

Compatibility Zones

- Zone 1: Runway Protection Zone (RPZ)
- Zone 1*: Ultimate Runway Protection Zone (RPZ)
- Zone 2: Inner Aprroach/Departure Zone
- Zone 3: Inner Turning Zone
- Zone 4: Outer Approach/Departure Zone
- Zone 5: Sideline Zone
- Zone 6: Traffic Pattern Zone
- Urban Overlay Zone
- Other Airport Environs

Notes

1. Source: General flight patterns identified by Ukiah Airport Management.

2. Portions of the Airport Influence Area may extend beyond map limits.

Mendocino County
Airport Land Use Commission

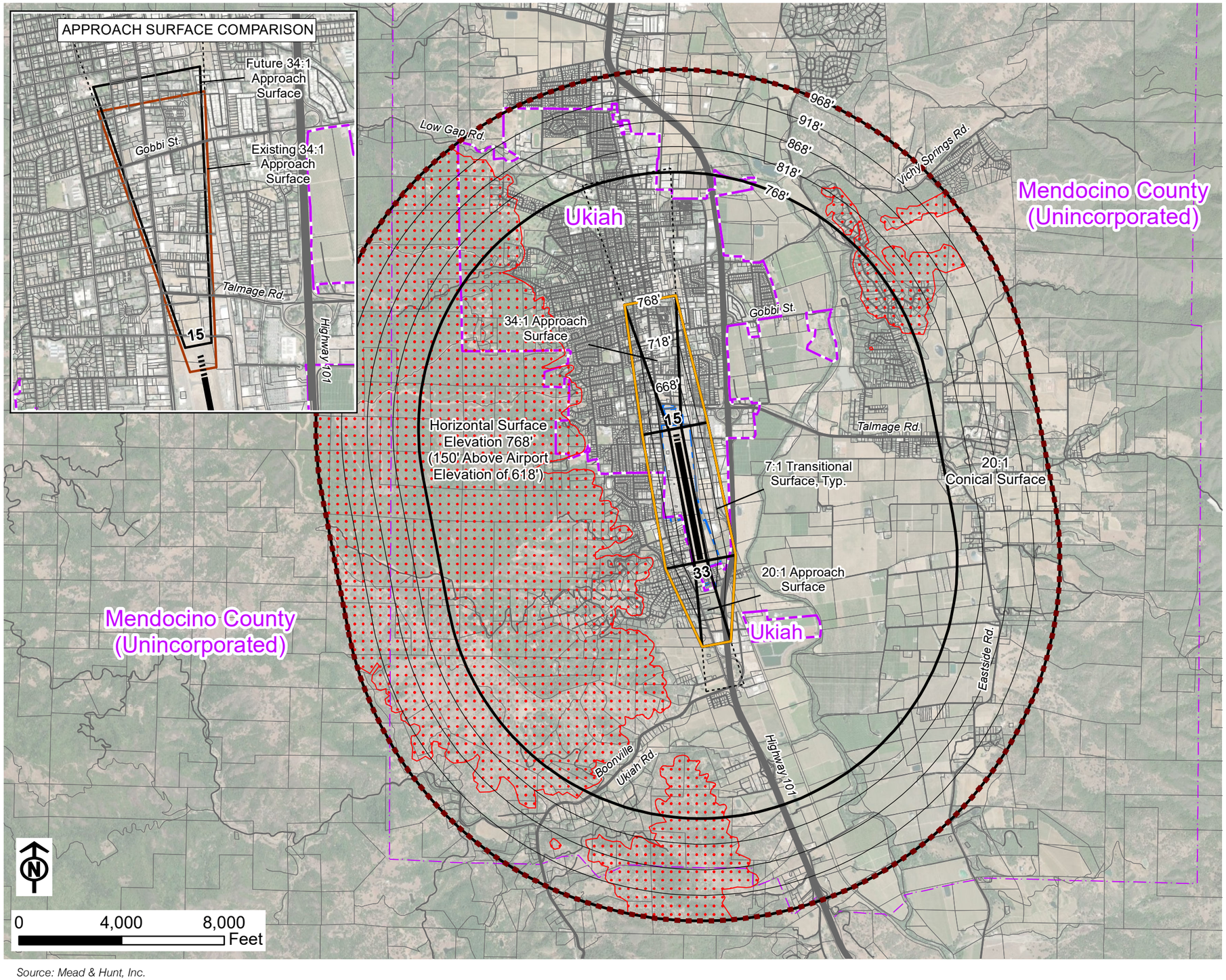
Ukiah Municipal Airport
Land Use Compatibility Plan

(Adopted May 20, 2021)

Exhibit 4-6

Compatibility Factor: Overflight

Ukiah Municipal Airport



Source: Mead & Hunt, Inc.

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area

Airspace Obstruction Surfaces[1]

- Airspace Protection Zones (14 CFR Part 77)
- Airspace Protection Surface Contour (50' interval)
- Existing Approach Surface (Runway 15; See inset)
- Airspace Critical Protection Zone
- Airspace High Terrain Zone

Notes

1. Source: Title 14 Code of Federal Regulation Part 77, Safe, Efficient Use and Preservation of Navigable Airspace as applied to Ukiah Municipal Airport future runway length.

Mendocino County
Airport Land Use Commission

Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Exhibit 4-7

Compatibility Factor: Airspace

Ukiah Municipal Airport

AIRPORT LOCATION

- *Location*
  - Southeastern Mendocino County
  - One mile south of Ukiah city center
  - U.S. Hwy 101 parallels runway 0.3 miles east
- *Topography*
  - Situated in Ukiah Valley west of Russian River
  - Surrounded by low hills, Lake Mendocino to the north and Mayacmas Mountains to the east (2,000 feet above MSL)
  - Airport elevation 616 feet
  - High terrain within 2 miles to the south on approach to Runway 33

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *City of Ukiah*
  - Airport property fully within city limits at the south end of the city
- *County of Mendocino*
  - Controls lands east of Hwy 101 and south of the airport
  - 2011 *Ukiah Valley Area Plan* shows sphere of influence expanding city limits mostly to the west and north, not near the airport

EXISTING AIRPORT AREA LAND USES

- *General Character*
  - Urbanized north and west of the airport and between the airport and Hwy 101 on the east
  - Generally rural to the south
  - Agricultural beyond Hwy 101 to the east
- *Runway Approaches*
  - North (Runway 15): Mixed industrial, commercial, and residential adjacent to the runway protection zone; city center further north
  - South (Runway 33): Mixed low-density commercial and residential uses plus agricultural
- *Traffic Pattern*
  - No traffic pattern west of the runway; area is largely residential
  - Recent big-box commercial development between the runway and Hwy 101 to the east; mostly agricultural uses underlying the downwind leg of the traffic pattern

STATUS OF COMMUNITY PLANS

- *City of Ukiah*
  - General Plan and Growth Management Program Adopted December 6, 1995
  - Form Based Zoning Downtown Plan
- *County of Mendocino*
  - Mendocino County General Plan Adopted August 2009
  - Ukiah Valley Area Plan Adopted August 2, 2011

PLANNED AIRPORT AREA LAND USES

- *City of Ukiah*
  - Rural Residential (1 du/ac); Residential uses of mixed types to northeast; Low Density (1-6 du/ac); Medium Density (1-14 du/ac); and High Density (1-28 du/ac) uses north of the airport
  - No expansion into the agricultural areas east of the airport is planned

ESTABLISHED COMPATIBILITY MEASURES

- *Mendocino County General Plan (Adopted August 2009)*
  - Policy DE-165: Improve airport facilities and encourage economic development and uses that support airport viability.
  - Policy DE-166: Land use decisions and development should be carried out in a manner that will reduce aviation-related hazards (including hazards to aircraft, and hazards posed by aircraft). This could be accomplished through a variety of measures, including the following: maintaining compatible zoning, land uses, densities, and intensities within airport influence zones; protecting the viability of existing airport operations and expansion potential.
  - Policy DE-167: Development in air traffic patterns, corridors, and airport influence zones shall be consistent with the Mendocino County Airport Comprehensive Land Use Plan and California Division of Aeronautics and Federal Aviation Administration regulations.
    - Action Item DE-167.1: Update the Airport Comprehensive Land Use Plan when changes in the aviation sector or airport use warrant a revision of land use restrictions.
- *City of Ukiah General Plan (Adopted December 6, 1995)*
  - Goal AE-1: Promote the airport for the community's benefit both now and in the future
  - Policy AE-1.1: Recognize that the airport's vitality and growth help achieve the General Plan Vision.
  - Goal AE-2: Provide for long-term viability of the airport.
  - Policy AE-2.1: Define the long-term growth boundaries for the airport.
  - Goal AE-3: Establish uniform ordinances and regulations for land use in the airport's core and peripheral overlay zones.
  - Policy AE-3.1: Work with the County to develop a similar or duplicate implementing code for development in and around the airport.
  - Policy AE-3.2: Promote acceptable land uses for both city and county zones in the core and peripheral zone areas.
  - Goal AE-4: Promote a "good neighbor policy" by the airport and its users.
  - Policy AE-4.1: Develop a Noise Control program.
  - Policy AE-4.2: Identify common noise levels in and around the airport to identify "airport-specific" noise.

Exhibit 4-8

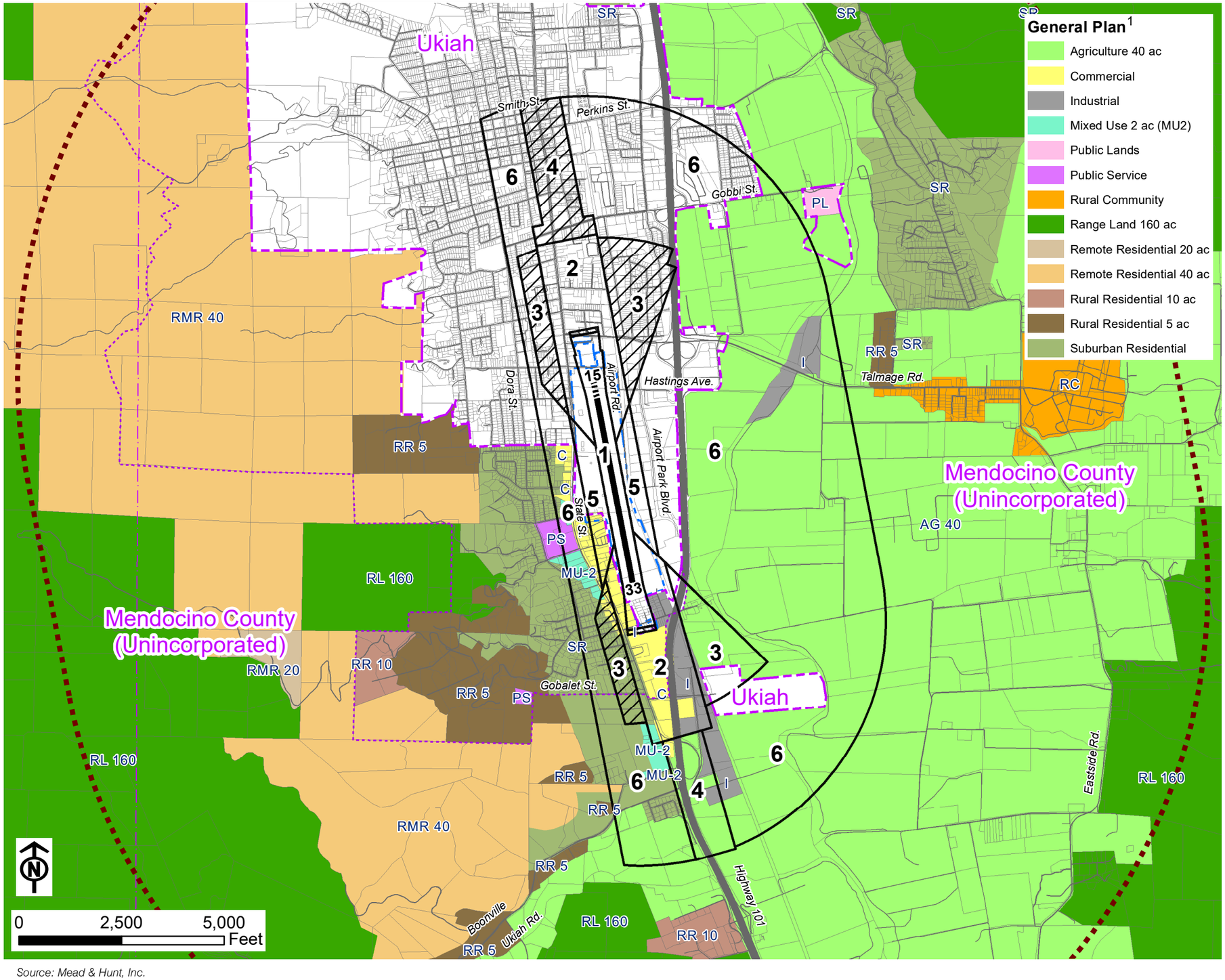
Airport Environs Information

Ukiah Municipal Airport

- *Ukiah Valley Area Plan, Section 3, Land Use and Community Development (Adopted by Mendocino County August 2, 2011)*
  - Goal LU2: Promote compatible land uses adjacent to important transportation facilities and protect against incompatible ones.
  - Policy LU 2.1: Define acceptable standards for development in the vicinity of the airport.
  - Policy LU 2.1a: Clear Zone: Prohibit development in the clear zone as defined in the Ukiah Municipal Airport Master Plan.
  - Policy LU 2.1b: Compatibility Guidelines: Only allow development within each airport zone that conforms to the height, use, and intensity specified in the land use compatibility table of the ACLUP. As airports evolve and fuel prices change, collaborate with the City of Ukiah, the County Airport Land Use Commission, and Caltrans Aeronautics to reassess compatibility issues.
- *Ukiah Valley Area Plan, Section 5, Circulation and Transportation (Adopted by Mendocino County August 2, 2011)*
  - Goal CT1: Provide for efficient and safe circulation networks throughout the Ukiah Valley.
  - Policy CT1.1: Promote the development of an integrated transportation corridor through the Valley
  - CT1.1a Identification of Integrated Transportation Corridor: work with local and regional agencies to define and develop an integrated transportation corridor. The integrated transportation corridor shall encompass U.S. Highway 101; major thoroughfares; and rail, air, and public transportation to proactively manage travel demand by identifying underutilized capacity in the corridor and shift travel demand accordingly.

Source: Data Compiled by Mead & Hunt (March 2019)

Exhibit 4-8, continued



General Plan[1]

- Agriculture 40 ac
- Commercial
- Industrial
- Mixed Use 2 ac (MU2)
- Public Lands
- Public Service
- Rural Community
- Range Land 160 ac
- Remote Residential 20 ac
- Remote Residential 40 ac
- Rural Residential 10 ac
- Rural Residential 5 ac
- Suburban Residential

Legend

- Existing Runway (4,423' Ex. Length)
- Future Runway Extension (4,888' Fut. Length)
- Existing Airport Property Boundary
- City Limit Boundary
- City Sphere of Influence (extends off map view)
- Airport Influence Area [2]

Compatibility Zones

- Zone 1: Runway Protection Zone (RPZ)
- Zone 1*: Ultimate Runway Protection Zone (RPZ)
- Zone 2: Inner Aprroach/Departure Zone
- Zone 3: Inner Turning Zone
- Zone 4: Outer Approach/Departure Zone
- Zone 5: Sideline Zone
- Zone 6: Traffic Pattern Zone
- Urban Overlay Zone

Notes

1. Source: Mendocino County Planning Department (April 2019).

2. Portions of the Airport Influence Area may extend beyond map limits.

Mendocino County
Airport Land Use Commission

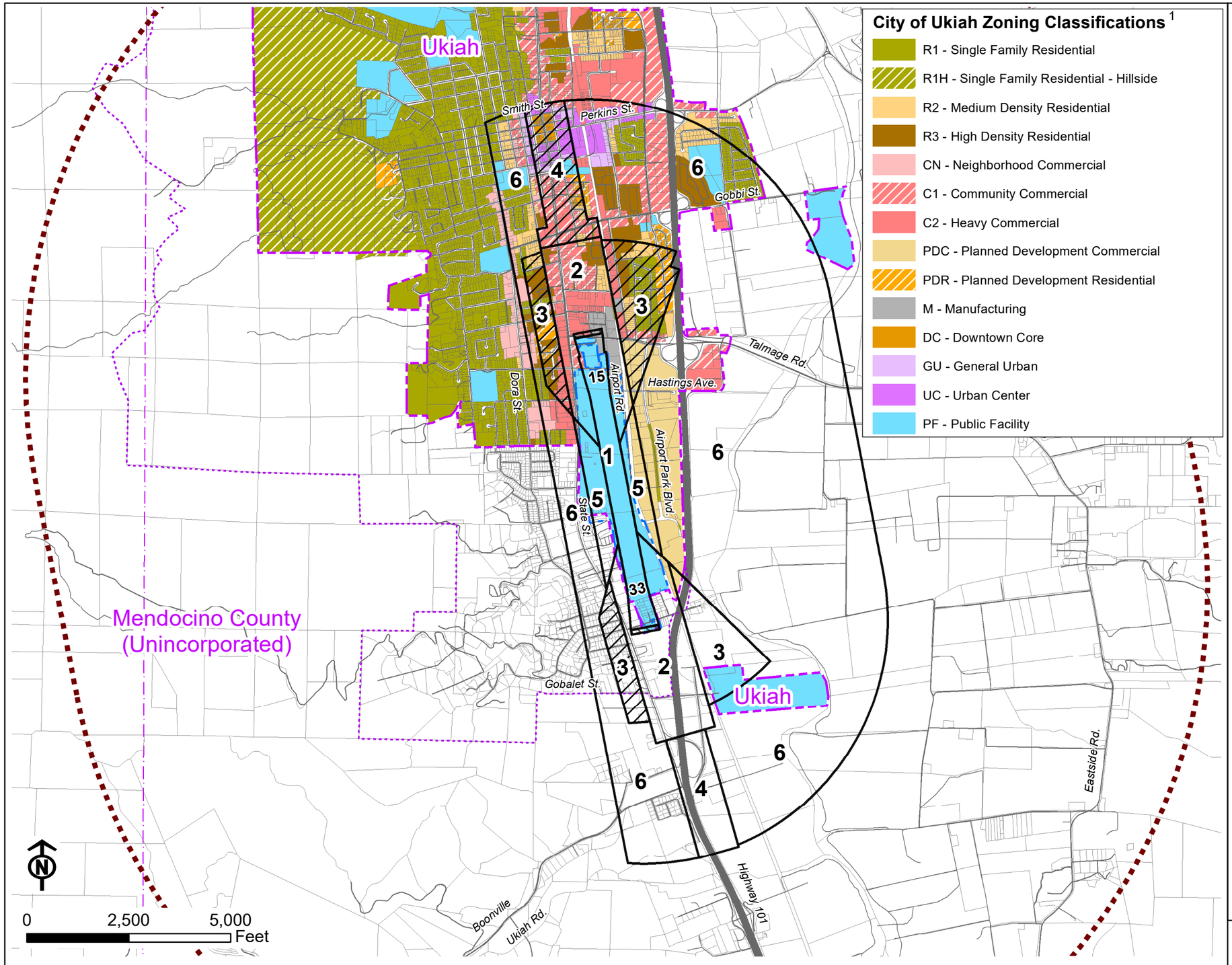
Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Source: Mead & Hunt, Inc.

Exhibit 4-9

County of Mendocino General Plan Land Uses

Ukiah Municipal Airport



Source: Mead & Hunt, Inc.

City of Ukiah Zoning Classifications [1]

- R1 - Single Family Residential
- R1H - Single Family Residential - Hillside
- R2 - Medium Density Residential
- R3 - High Density Residential
- CN - Neighborhood Commercial
- C1 - Community Commercial
- C2 - Heavy Commercial
- PDC - Planned Development Commercial
- PDR - Planned Development Residential
- M - Manufacturing
- DC - Downtown Core
- GU - General Urban
- UC - Urban Center
- PF - Public Facility

Legend

- Existing Runway (4,423' Ex. Length)
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Notes

1. Source: City of Ukiah.

2. Portions of the Airport Influence Area may extend beyond map limits

Mendocino County
Airport Land Use Commission

Ukiah Municipal Airport
Land Use Compatibility Plan
(Adopted May 20, 2021)

Exhibit 4-10

City of Ukiah General Land Uses

Ukiah Municipal Airport

APPENDICES

APPENDIX **A**

State Laws Related to Airport Land Use Planning

Table of Contents

(as of January 2020)

Public Resources Code

Sections

Business and Professions Code

Sections

Civil Code

Sections

Legislative History Summary

AERONAUTICS LAW

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

21670. Creation; Membership; Selection

(a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in

a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

(a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Division 2.5 of Title 21 of the California Code of Regulations) and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

(a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3 San Diego County

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

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

21670.4. Intercounty Airports

(a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

  (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

    (A) One representing the cities in each of the counties, appointed by that county's city selection committee.

    (B) One representing each of the counties, appointed by the board of supervisors of each county.

    (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21670.6. Court and Mediation Proceedings

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

21671. Airports Owned by a City, District or County

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

21671.5. Term of Office

(a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies, shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated

reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

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

21673. Initiation of Proceedings for Creation by Owner of Airport

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

21674. Powers and Duties

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

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

(a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements that should be included in the airport land use compatibility plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

(1) By offering formal courses or training programs.

(2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.

(3) By producing and making available written information.

(4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

(a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

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

commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

(a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission'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.

21675.1. Adoption of Land Use Plan

(a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

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

(a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action,

regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

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

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

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

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

21676.5. Review of Local Plans

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

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. Airport Owner's Immunity

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

21679. Court Review

(a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:

  (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (3) Rescinds the action.

  (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

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

21679.5. Deferral of Court Review

(a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991, date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW

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

21402. Ownership; Prohibited Use of Airspace

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

21403. Lawful Flight; Flight Within Airport Approach Zone

(a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:

(1) A forced landing.

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.

(3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

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

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

AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9, Part 1
Chapter 4—Airports and Air Navigation Facilities
Article 2.7—Regulation of Obstructions
(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

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

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

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

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

21659. Hazards Near Airports Prohibited

(a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

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

(c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW

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

21661.5. City Council or Board of Supervisors and ALUC Approvals

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

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. Amended Airport Permits; Airport Expansion Defined

(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

(c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 1—Planning and Zoning
Chapter 3—Local Planning
Article 5—Authority for and Scope of General Plans
(excerpts)

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

(a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

(d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7, Division 1
Chapter 4.5—Review and Approval of Development Projects
Article 3—Application for Development Projects
(excerpts)

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

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

(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

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

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

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

(f) This section shall become operative on January 1, 2025.

(Repealed (in Sec. 9) and added by Stats. 2019, Ch. 654, Sec. 10. (SB 330) Effective January 1, 2020. Section operative January 1, 2025, by its own provisions.)

65943.5.

(a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:

(1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.

(2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.

(c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 71012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

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

(a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with an initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) (1) After a public agency accepts an application as complete, and if the project applicant has

identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide notice of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with points of contact to receive the notice.

(2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an "urbanized area." An urbanized area is any urban location that meets the definition used by the United State Department of Commerce's Bureau of Census for "urban" and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.

(e) After providing notice of the application as required in subdivision (d), and if requested by any branch of the United States Armed Forces, the public agency and the project applicant shall consult with the impacted military branch or branches to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

(f) The Office of Planning and Research shall maintain on its internet website and provide notice to public agencies all of the following:

(1) Maps of low-level flight paths, special use airspace, and military installations.

(2) The military points of contact to receive notifications pursuant to subdivision (d).

(3) The information required in the notice of a completed application pursuant to subdivision (d). This information shall include, at a minimum, all of the following:

(A) The project's specific location.

(B) The major physical alterations to the property on which the project will be located.

(C) A site place showing the location of the project on the property, as well as the massing, height, and approximate square footage, of each building that will be occupied.

(D) The proposed land uses by number of units or square feet using the categories in the applicable zoning ordinance.

(Amended by Stats. 2019, Ch. 142, Sec. 3. (SB 242) Effective January 1, 2020.)

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

(a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:

(1) A general plan.

(2) A specific plan.

(3) A zoning ordinance.

(4) An ordinance affecting building permits or grading permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3—Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

(a) The Legislature finds and declares all of the following:

(1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.

(2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.

(b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

(a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:

(1) The approval or denial by a public agency of any development project.

(2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).

(4) Fees determined pursuant to Chapter 6 (commencing with Section 17620) of Division 1 of Part 10.5 of the Education Code or Chapter 4.9 (commencing with Section 65995).

(5) Fees determined pursuant to the Mitigation Fee Act (Chapter 5 (commencing with Section 66000), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section

66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).

(7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).

(8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).

(10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

(b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.

(c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:

(1) The council of governments having jurisdiction in the county where the dispute arose.

(2) Any subregional or countywide council of governments in the county where the dispute arose.

(3) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency that can provide a person with experience or training in mediation, including those with experience in land use issues.

(d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 2—Subdivisions
Chapter 3—Procedure
Article 3—Review of Tentative Map by Other Agencies
(excerpts)

66455.9.

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

EDUCATION CODE
Title 1—General Education Code Provisions
Division 1—General Education Code Provisions
Part 10.5—School Facilities
Chapter 1—School Sites
Article 1—General Provisions
(excerpts)

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of schoolsites, before acquiring title to or leasing property for a new schoolsite, the governing board of each school district, including any district governed by a city board of education, or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

(b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition or lease for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

(c) The Department of Transportation shall investigate the site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a schoolsite or an addition to a present schoolsite, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.

(e) If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition or lease of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

(f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

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

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

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

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

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

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

district lies shall be expended for those purposes; However, this section shall not be applicable to sites acquired prior to January 1, 1966, or to any additions or extensions to those sites.

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

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE
Division 13—Environmental Quality
Chapter 2.6—General
(excerpts)

21096. Airport Planning

(a) If a lead agency prepares an environmental impact report for a project situated within airport land use compatibility plan boundaries, or, if an airport land use compatibility plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

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

11010.

(a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Bureau of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the bureau.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (12) omitted]

(13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

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, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

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

1103.

(a) For purpose of this article, the definitions in Chapter 1 (commencing with Section 10000) of Part 1 of Division 4 of the Business and Professions Code shall apply.

(b) Except as provided in Section 1103.1, this article applies to a sale, exchange, real property sales contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential real property.

(c) This article shall apply to the transactions described in subdivision (b) only if the seller or his or her agent is required by one or more of the following to disclose the property's location within a hazard zone:

(1) A seller's agent for a seller of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the seller if the seller is acting without a seller's agent, shall disclose to any prospective buyer the fact that the property is located within a special flood hazard area if either:

(A) The seller, or the seller's agent, has actual knowledge that the property is within a special flood hazard area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(2) … located within an area of potential flooding… shall disclose to any prospective buyer the fact that the property is located within an area of potential flooding if either:

(3) … is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code… shall disclose to any prospective buyer the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182…

(4) … is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code… shall disclose to any prospective buyer the fact that the property is located within a delineated earthquake fault zone…

regarding changes to the map received by the county.

(5) … is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code, or the seller if the seller is acting without an agent, shall disclose to any prospective buyer the fact that the property is located within a seismic hazard…

(6) …is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, or the seller's agent, shall disclose to any prospective buyer the fact that

the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 of the Public Resources Code…

(d) Any waiver of the requirements of this article is void as against public policy.

(Amended by Stats. 2018, Ch. 907, Sec. 20. (AB 1289) Effective January 1, 2019.)1103.1.

(a) This article does not apply to the following sales:

(1) Sales or transfers pursuant to court order, including, but not limited to, sales ordered by a probate court in administration of an estate, sales pursuant to a writ of execution, sales by any foreclosure sale, sales by a trustee in bankruptcy, sales by eminent domain, and sales resulting from a decree for specific performance.

(2) Sales or transfers to a mortgagee by a mortgagor or successor in interest who is in default, sales to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, any foreclosure sale after default in an obligation secured by a mortgage, sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or sales by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(3) Sales or transfers by a fiduciary in the course of the administration of a trust, guardianship, conservatorship, or decedent's estate. This exemption shall not apply to a sale if the trustee is a natural person who is a trustee of a revocable trust and the seller is a former owner of the property or an occupant in possession of the property within the preceding year.

(4) Sales or transfers from one coowner to one or more other coowners.

(5) Sales or transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the sellers.

(6) Sales or transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.

(7) Sales or transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(8) Sales or transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.

(9) Sales, transfers, or exchanges to or from any governmental entity.

(10) The sale, creation, or transfer of any lease of any duration except a lease with an option to purchase or a ground lease coupled with improvements.

(b) Sales and transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In sales not subject to this article, agents may make required disclosures in a separate writing.

(c) Notwithstanding the definition of sale in Section 10018.5 of the Business and Professions Code and Section 2079.13, the terms "sale" and "transfer," as they are used in this section, shall have their commonly understood meanings. The changes made to this section by Assembly Bill 1289 of the

2017–18 Legislative Session shall not be interpreted to change the application of the law as it read prior to January 1, 2019.

(Amended by Stats. 2019, Ch. 310, Sec. 7. (AB 892) Effective January 1, 2020.)1103.2.

(a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: [content omitted].

(b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the seller or seller's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The seller's agent may mark "No" on the Natural Hazard Disclosure Statement if the seller attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. This subdivision is not intended to limit or abridge any existing duty of the seller or the seller's agents to exercise reasonable care in making a determination under this subdivision.

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

[Section 1103.3 omitted]

1103.4.

(a) Neither the seller nor any seller's agent or buyer's agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the seller or the seller's agent or buyer's agent and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective buyer by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the seller, seller's agent, and buyer's agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective buyer pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where such a statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.

(1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

NOTICE OF AIRPORT IN VICINITY

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

[Remainder of Article 1.7 omitted]

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

4250.

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

(b) The declaration may contain any other matters the declarant or the members consider appropriate.

4255.

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

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

(b) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

(c) [Omitted]

(d) The statement in a declaration acknowledging that a property is located in an airport influence area … does not constitute a title defect, lien, or encumbrance.

4260.

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

LEGISLATIVE HISTORY SUMMARY[1]

PUBLIC UTILITIES CODE

Sections 21670 et seq.

Airport Land Use Commission Statutes

And Related Statutes

1967 Original ALUC statute enacted.

- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
- The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.

1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:

- Require ALUCs to prepare comprehensive land use plans.
- Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
- Require ALUC review of airport construction plans (Section 21661.5).
- Exempt Los Angeles County from the requirement of establishing an ALUC.

1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.

1973 ALUCs are permitted to establish compatibility plans for military airports.

1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:

- More clearly articulate the purpose of ALUCs.
- Eliminate reference to "achieve by zoning."
- Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
- Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
- Require that local agencies make findings of fact before overriding an ALUC decision.
- Change the vote required for an override from 4/5 to 2/3.

1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:

- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
- Limit amendments to compatibility plans to once per year.
- Allow individual projects to continue to be referred to the ALUC by agreement.
- Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

[1] Source: California Airport Land Use Planning Handbook (October 2011)

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:

- Require that a designated body serving as an ALUC include two members having "expertise in aviation."
- Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
- Delete sunset provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.

1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—

- Sets a requirement that comprehensive land use plans be completed by June 1991.
- Establishes a method for compelling ALUCs to act on matters submitted for review.
- Allows ALUCs to charge fees for review of projects.
- Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.

1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates $3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.

1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.

1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.

1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.

1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—

- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
- Allows ALUCs to continue to charge fees under these circumstances.
- Fees may be charged only until June 30, 1992, if plans are not completed by then.

1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)

1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.

1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.

1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.

2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.

2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.

2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term "comprehensive land use plan" to "airport land use compatibility plan."

2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.

2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.

Adds that prior to granting building construction permits, local agencies shall be guided by the criteria established in the Airport Land Use Planning Handbook and any related federal aviation regulations to the extent that the criteria has been incorporated into their airport land use compatibility plan.

2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term "comprehensive land use plan" and replacing it with "airport land use compatibility plan." Also replaces the terms "planning area" and "study area" with "airport influence area."

2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site within two miles of an airport. Also makes these provisions applicable to charter schools.

2007 Senate Bill 10 (Kehoe) Chapter 287, Statutes of 2007—The San Diego County Regional Airport Authority Reform Act of 2007. Restructures the airport authority established in 2001 by AB 93 (Wayne), with a set of goals related to governance, accountability, planning and operations at San Diego International Airport.

2009 Assembly Bill 45 (Blakeslee) Chapter 404, Statutes of 2009—Requires small wind energy systems installed near airports to comply with all applicable Federal Aviation Administration requirements, including Subpart B of Part 77. These systems are not allowed to locate in vicinity of an airport if they are prohibited by a comprehensive land use plan or any implementing regulations adopted by an Airport Land Use Commission.

2010 Senate Bill 1333 (Yee) Chapter 329, Statutes of 2010—If a local government requires dedication of an avigation easement to the owner or operator of the airport as a condition of approval of a noise-sensitive project, the avigation easement must be granted prior to the issuance of the building permit. Also requires that a termination clause be included in the avigation easement if the project is not built or the permit has expired or been revoked.

2012 Assembly Bill 805 (Torres) Chapter 180, Statutes of 2012—Recodifies the Common Interest Development Act which requires a recorded disclosure statement if a common interest development is located within an airport influence area.

2012 Assembly Bill 1486 (Lara) Chapter 690, Statutes of 2012—Exempts from CEQA the design, construction and maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS). However, any new antenna would be required to comply with applicable state and federal height restrictions and any height limits established by an applicable airport land use compatibility plan.

2013 Assembly Bill 1058 (Chàvez) Chapter 83, Statutes of 2013—Modifies the process by which directors are appointed to the San Diego County Regional Airport Authority; the entity responsible for preparing, adopting and amending airport land use compatibility plans for each airport in San Diego County.

2013 Assembly Bill 758 (Block) Chapter 606, Statutes of 2013—Provides the City of Coronado with 540 days, instead of the standard 180 days, of any amendment to the airport land use compatibility plan to amend its general plan and any applicable specific plan.

APPENDIX B

Title 14 Code of Federal Regulations Part 77

Safe, Efficient Use and Preservation of the Navigable Airspace

Current as of June 2016

Subpart A

GENERAL

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.

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

77.5 Applicability.

(a) If you propose any construction or alteration described in §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 §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.

77.7 Form and time of notice.

(a) If you are required to file notice under §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.

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.

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

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.

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 §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.

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 §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.

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 that 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.

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.

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

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 §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.

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.

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.

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 §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.

77.33 Effective period of determinations.

(a) The effective date of a determination not subject to discretionary review under §77.37(b) is the date of issuance. The effective date of all other determinations for a proposed or existing structure is 40 days from the date of issuance, provided a valid petition for review has not been received by the FAA. If a valid petition for review is filed, the determination will not become final, pending disposition of the petition.

(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.

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

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.

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 §77.31, or a revision or extension of the determination under §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.

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.

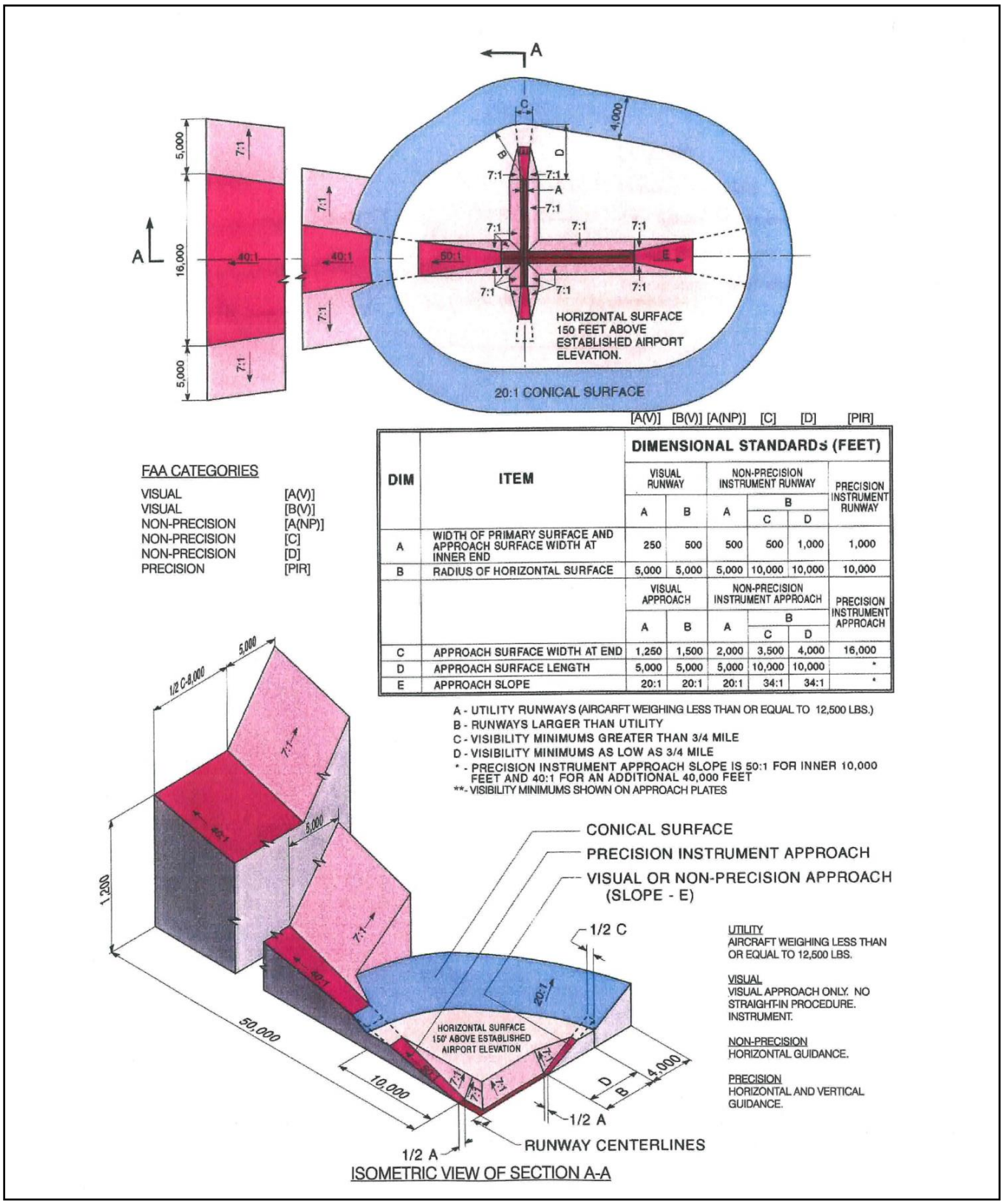


Figure B1

CFR Part 77 Imaginary Surfaces

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing of Your Notice

Notice of Proposed Construction or Alteration

FOR FAA USE ONLY
Aeronautical Study Number
- - -

1. Sponsor *(person, company, etc. proposing this action) :*
Attn. of: _____
Name: _____
Address: _____
_____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

2. Sponsor's Representative *(if other than #1) :*
Attn. of: _____
Name: _____
Address: _____
_____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing

4. Duration: ☐ Permanent ☐ Temporary (months, days)

5. Work Schedule: Beginning _____ End _____

6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other _____

7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual - Red and Medium Intensity White
☐ White - Medium Intensity ☐ Dual - Red and High Intensity White
☐ White - High Intensity ☐ Other _____

8. FCC Antenna Structure Registration Number *(if applicable):*
_____

9. Latitude: ____° ____' ____. ____"

10. Longitude: ____° ____' ____. ____"

11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other _____

12. Nearest: City: _____ State: _____

13. Nearest Public-use (not private-use) or Military Airport or Heliport:
_____

14. Distance from #13. to Structure: _____

15. Direction from #13. to Structure: _____

16. Site Elevation *(AMSL):* _____ **ft.**

17. Total Structure Height *(AGL):* _____ **ft.**

18. Overall height (#16. + #17.) *(AMSL):* _____ **ft.**

19. Previous FAA Aeronautical Study Number (if applicable):
_____ -

20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking and lighting standards as necessary.

Date	Typed or Printed name and Title of Person Filing Notice	Signature

FAA Form 7460-1 (2-99) Supersedes Previous Edition

NSN: 0052-00-012-0008

Figure B2

CFR Part 77 Notification

FAA Form 7460-1

Figure B3

Online Submittal of Form 7460-1:

Notice of Proposed Construction or Alteration

Historically a paper form called a "7460-1" was required to be submitted to the FAA for any project proposed on airport property and certain projects near airports. Recently, the FAA has moved from paper forms to an on-line system of evaluating the effects of a proposed project on the national airspace system.

- The on-line system can be accessed at https://oeaaa.faa.gov.

This new system allows project proponents to submit and track their proposal as it progresses through the FAA evaluation process.
The purpose of this guidance is to supplement and clarify the FAA user guide for the 7460 website.

- available at: https://oeaaa.faa.gov/oeaaa/external/content/OEexternal_Guide_v3.1.pdf

We recommend that the user first read the entire guide provided by the FAA, and then use this document to clarify some of the more complicated aspects of the online 7460 system.

When a project must be submitted to the FAA

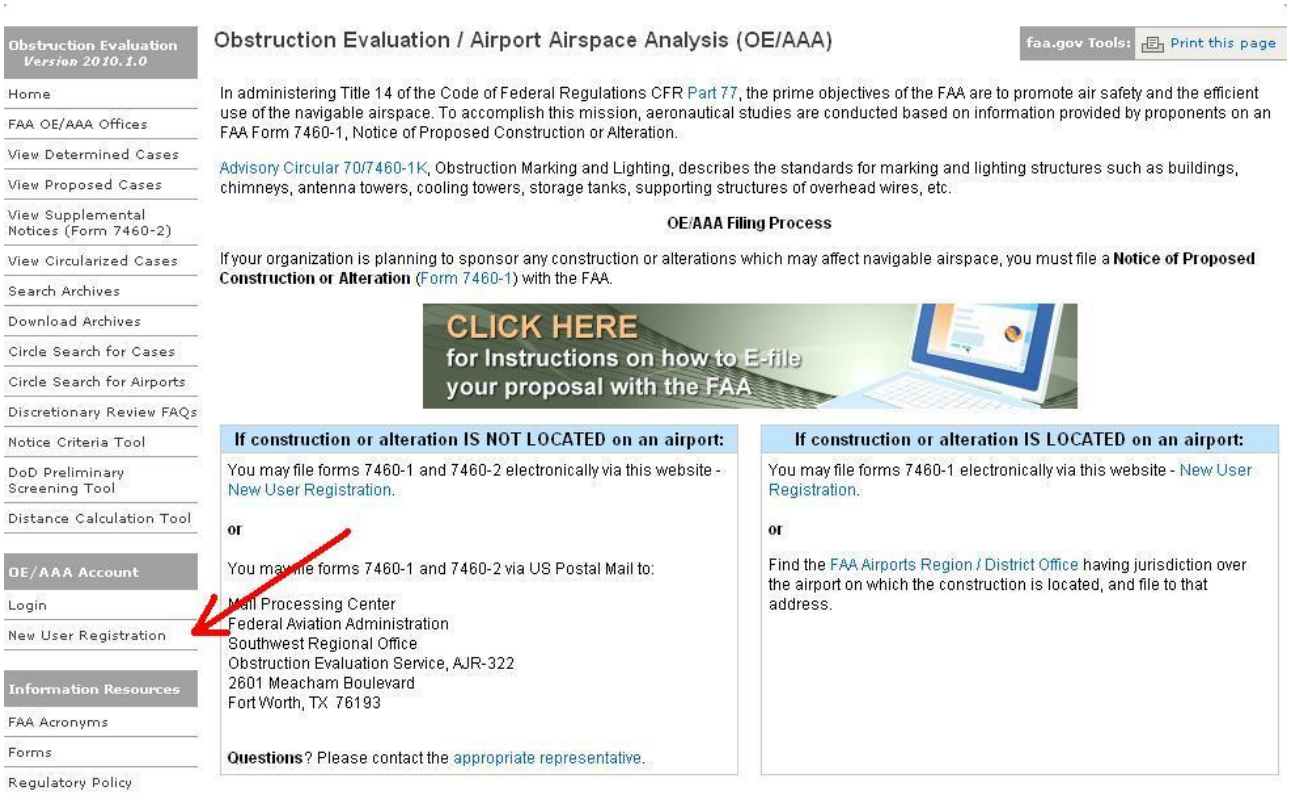
CFR Title 14 Part 77.13 states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:

- Any construction or alteration exceeding 200 ft. above ground level
- Any construction or alteration:
  - within 20,000 ft. of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
  - within 10,000 ft. of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft.
  - within 5,000 ft. of a public use heliport which exceeds a 25:1 surface
- Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
- When requested by the FAA
- Any construction or alteration located on a public use airport or heliport regardless of height or location.

The FAA has been continuously improving the oe/aaa website to be more user friendly and increase the on-line functionality. The look and feel of the website may change in the future, but the majority of the content should remain as is.

Create an account

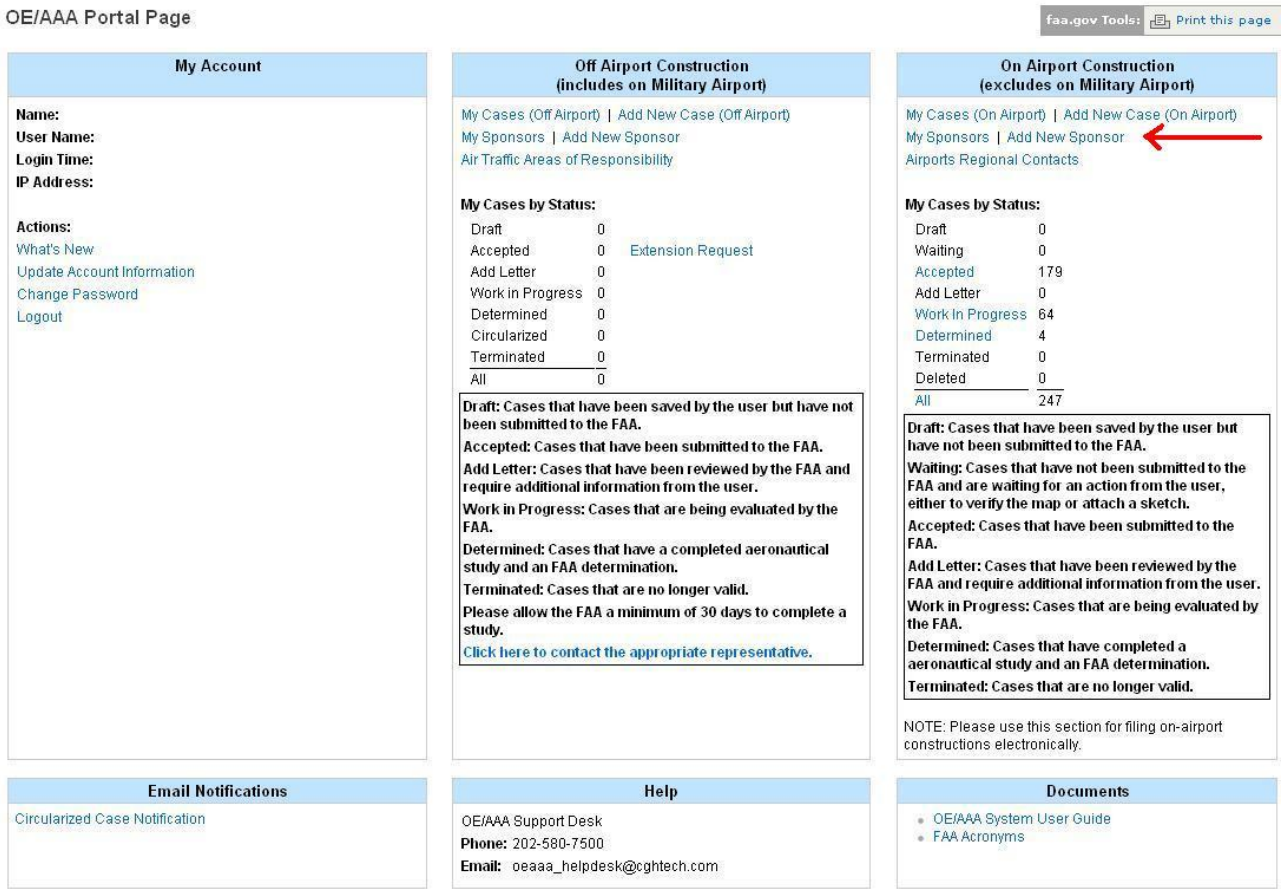
Before accessing the features of the website, the user will be required to create a username and password to access the website.



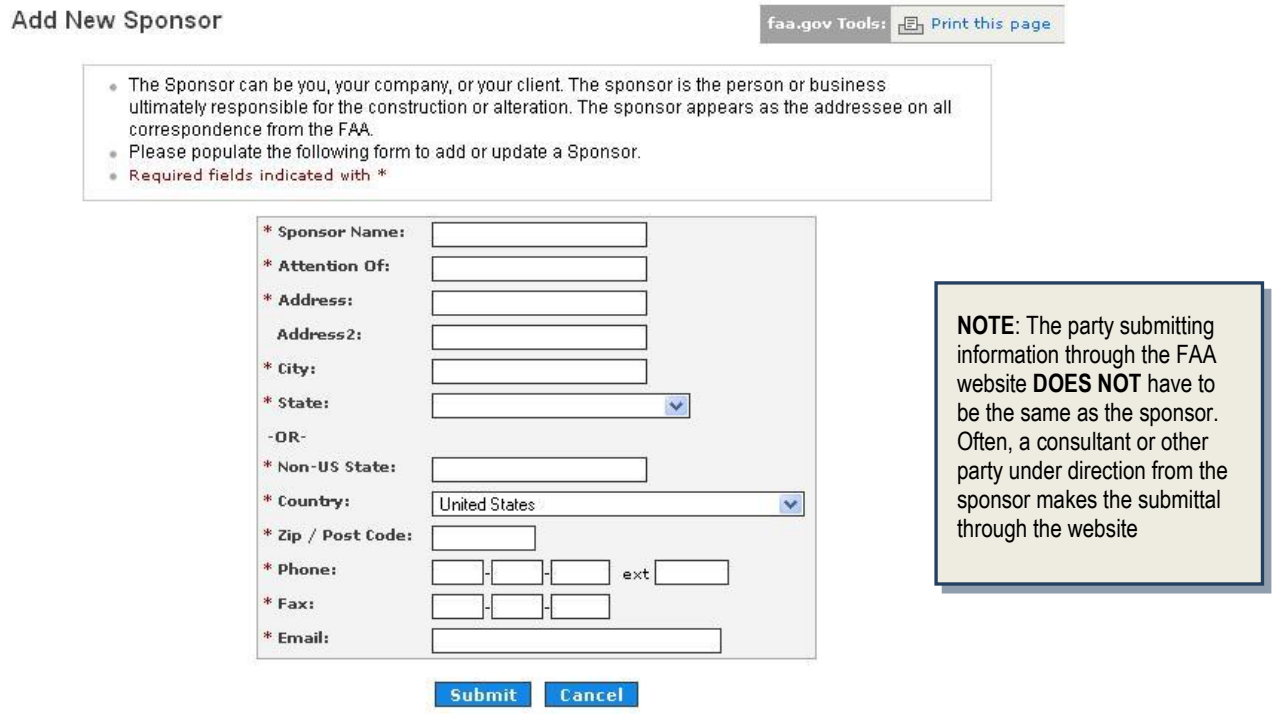
Once a user has created an account, they will be able to log in and will be directed to the OE/AAA Portal Page. This page displays a summary of any projects which have been entered into the website, categorized by off-airport and on-airport projects.

Adding a Sponsor

Before a user can enter project specific information, a project sponsor must be created. A sponsor is the person who is ultimately responsible for the construction or alteration. All FAA correspondence will be addressed to the sponsor. The sponsor could be the airport manager for projects proposed by the airport, or the developer proposing off airport construction. To create a sponsor contact, click "Add New Sponsor" on the "portal" page. From there the user can add sponsors for various projects.



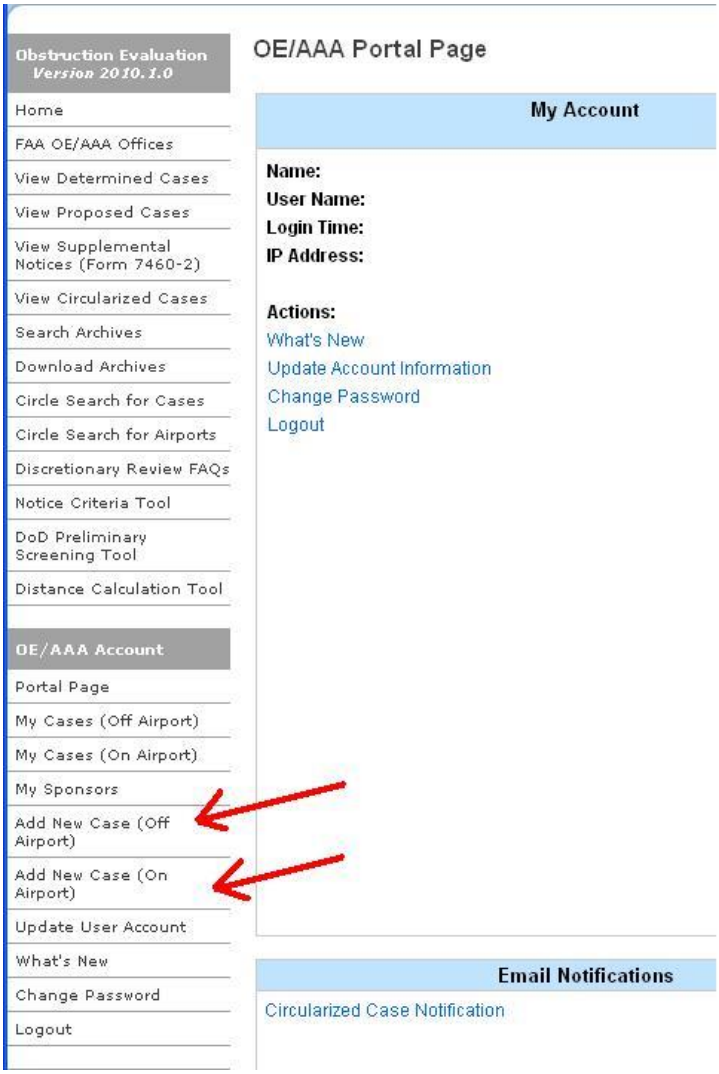
When the user selects "Add New Sponsor", they will be presented with the following screen:



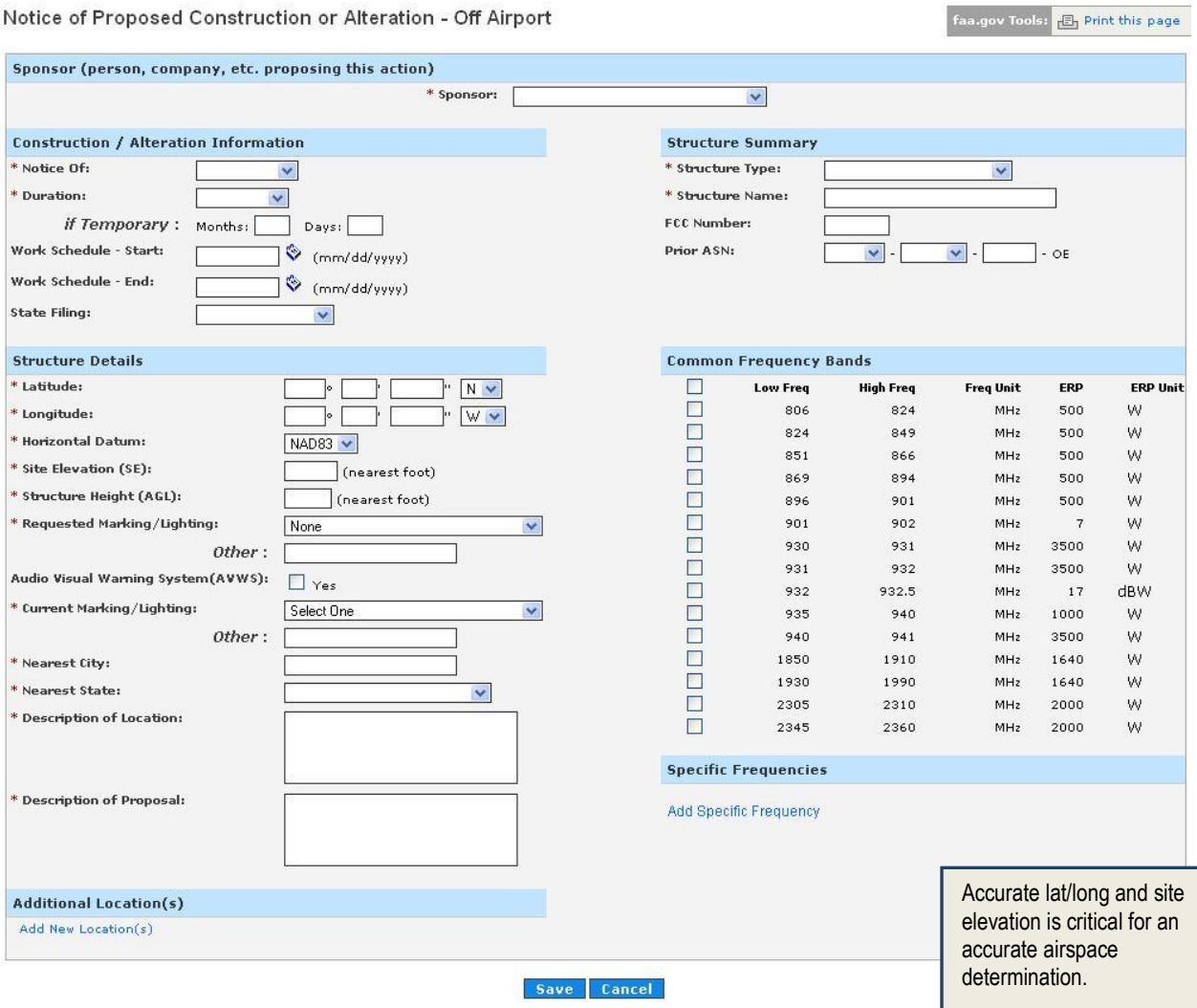
NOTE: The party submitting information through the FAA website **DOES NOT** have to be the same as the sponsor. Often, a consultant or other party under direction from the sponsor makes the submittal through the website

Creating a New Submittal

There are two options for creating a new 7460 submittal. Again on the left side, either click "Add New Case (off airport)" or "Add New Case (on airport)"



There are some differences in the required fields for "on airport" vs. "off airport" but the differences are minor and self-explanatory. One tip: for off airport submittals there is a field for "requested marking/lighting". If the user does not have a preference, select other from the pull down menu and in the "other field" state "no preference".



Notice of Proposed Construction or Alteration - Off Airport

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Sponsor (person, company, etc. proposing this action)

* Sponsor:

Construction / Alteration Information

* Notice Of:
* Duration:
if Temporary : Months: Days:
Work Schedule - Start: (mm/dd/yyyy)
Work Schedule - End: (mm/dd/yyyy)
State Filing:

Structure Summary

* Structure Type:
* Structure Name:
FCC Number:
Prior ASN: - - - OE

Structure Details

* Latitude: ° ' " N
* Longitude: ° ' " W
* Horizontal Datum: NAD83
* Site Elevation (SE): (nearest foot)
* Structure Height (AGL): (nearest foot)
* Requested Marking/Lighting: None
Other :
Audio Visual Warning System(AVWS): Yes
* Current Marking/Lighting: Select One
Other :
* Nearest City:
* Nearest State:
* Description of Location:
* Description of Proposal:

Common Frequency Bands

	Low Freq	High Freq	Freq Unit	ERP	ERP Unit
☐	806	824	MHz	500	W
☐	824	849	MHz	500	W
☐	851	866	MHz	500	W
☐	869	894	MHz	500	W
☐	896	901	MHz	500	W
☐	901	902	MHz	7	W
☐	930	931	MHz	3500	W
☐	931	932	MHz	3500	W
☐	932	932.5	MHz	17	dBW
☐	935	940	MHz	1000	W
☐	940	941	MHz	3500	W
☐	1850	1910	MHz	1640	W
☐	1930	1990	MHz	1640	W
☐	2305	2310	MHz	2000	W
☐	2345	2360	MHz	2000	W

Specific Frequencies

Add Specific Frequency

Additional Location(s)

Add New Location(s)

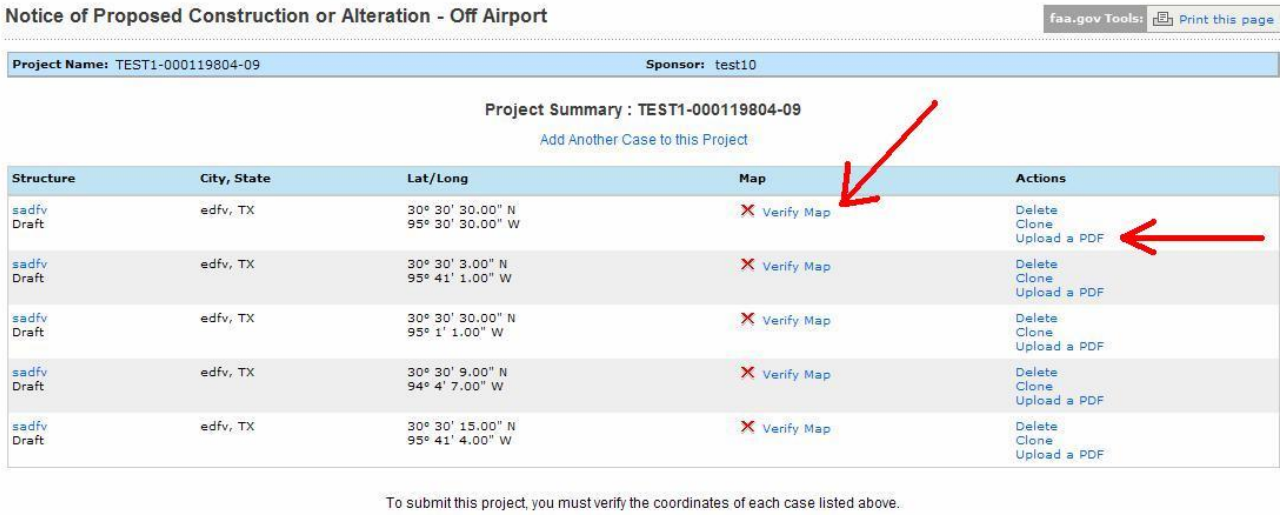
Save Cancel

Accurate lat/long and site elevation is critical for an accurate airspace determination.

It is recommended that survey quality data be obtained from a recent survey, a GPS unit, or worst case, scaled from a topo quad.

- The most common "notice of" is construction. Select from pull down menu.
- Latitude and longitude must be entered for the structure/construction activity.
- Most 7460 submittals will require multiple points with lat/long unless the 7460 is for a pole/tower/ or other single point object. Buildings and construction areas all require points indicating the extents of the building or area. More information is provided below on how to add additional points to a submittal.
- There is a field to describe the activity taking place. In some complex activities the field does not provide enough room for the required text. An additional explanatory letter can be attached. Additional information is provided in this section on how to add a letter or document to the submittal.
- Red asterisks indicate the required fields.
- Unless there has been a previous aeronautical study for this submittal leave the "prior study" fields blank.
- Only select "common frequency bands" if the proposed structure will transmit a signal.

If the submittal is a building or construction area that is more than a single lat/long point the user must save the data first. Click save at the bottom of the page. This will bring up a summary screen of the case. To add more points click "clone" under the heading "actions".



Notice of Proposed Construction or Alteration - Off Airport

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Project Name: TEST1-000119804-09 **Sponsor:** test10

Project Summary : TEST1-000119804-09

Add Another Case to this Project

Structure	City, State	Lat/Long	Map	Actions
sadfv Draft	edfv, TX	30° 30' 30.00" N 95° 30' 30.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 3.00" N 95° 41' 1.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 30.00" N 95° 1' 1.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 9.00" N 94° 4' 7.00" W	Verify Map	Delete Clone Upload a PDF
sadfv Draft	edfv, TX	30° 30' 15.00" N 95° 41' 4.00" W	Verify Map	Delete Clone Upload a PDF

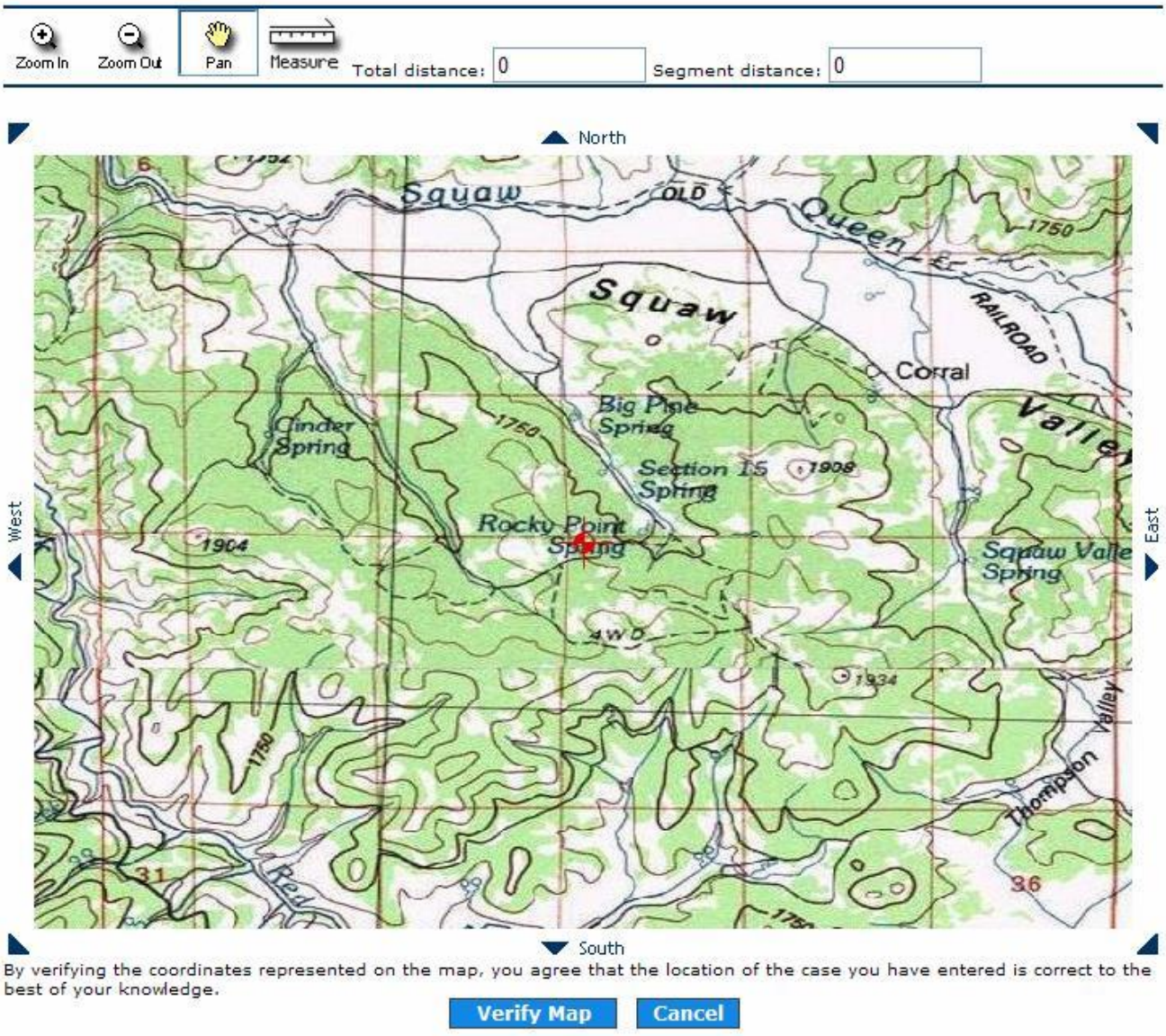
To submit this project, you must verify the coordinates of each case listed above.

The clone tool copies all the relevant information to a new page where an additional lat/long and elevation can be entered. However, the clone process does not number the various points of a proposed project. When entering the details for a point (see Image 5) it is helpful if the user assigns a number to the point and references the total number of points for the project (e.g. point 2 of 20). The numbering can be included in the project "description/remarks" field for each point.

It should be noted that each individual point associated with a project (e.g. each corner of a building) is evaluated individually, thus the importance of including a numbering system (2 of 20) in the text/description box.

Once done, click "save" again. Now the user will see two records under the "project summary" heading. Continue this process of cloning for all the remaining points.

Once all the points have been entered, each point must be verified. There is a red X with the words "verify map" indicating the user has not verified the location. Click Verify Map, a popup will display the lat/long point on a topo map and the user must verify that it is in the correct location. After clicking "verify map" on the popup, the red X will become a blue checkmark. It seems to be more efficient to enter all of the points associated with a project and then return to verify each point on the map at one time.



All on-airport project submittals must have a "project sketch" included. Under the "actions" column select "upload a PDF". Once you have uploaded a sketch for all the points associated with the project the red X under "sketch" will turn to a green check mark. Off-airport projects do not require a "project sketch", but the user can still upload one for informational purposes.

If the user needs to add any other information such as an explanatory letter, clicking on "upload a PDF" will allow the user to upload more documents, although only one at a time. Keep in mind that if additional

PDFs or information are being provided, like the project sketch it must be uploaded to every point associated with the project.

Once the maps have been verified and sketches uploaded for all points associated with the case, the user will be able to submit the 7460 to the FAA for review.

Status of Submitted Projects

To check the status of a submittal, click on either "my cases (off airport)" or "my cases (on airport)" to see a list of what has been submitted. Each of the multiple points associated with one project will be listed as if they are separate, although still associated. The points will have a status:

ALL of My Cases (Off Airport)

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All Cases	Filter by Case Status	Cases Requiring Action
Show All Cases (31)	Draft (15) | Accepted (0) | Work in Progress (0) Determined (0) | Circularized (0) | Terminated (16)	7460-2 Required (0) | Add Letter (0)

Records 1 to 20 of 31 — Page 1 of 2 — Next page →

Project Name	Structure Name	ASN	Status	Date Accepted	Date Determined	City	State
CITY -000038834-06	Test	2007-ASW-11935-OE	Terminated	12/27/2007	12/27/2007	Test	TX
CITY -000059482-07	sdv		Draft			ljkvnasd	AS
CITY -000059483-07			Draft			1WADC	TX
CITY -000060676-07	Clearing		Draft			Loackhaven	PA
GLYN -000102789-08	Belgrade		Draft			Memphis	TN
TEST -000017393-05			Draft			Test	TX
TEST -000017393-05			Draft			Test	VA
TEST -000026823-05	-2 Test	2005-ASW-5900-OE	Terminated	10/24/2005	01/26/2006	Test	TX
TEST-000042518-06			Draft			Test	PW
TEST-000054890-06			Draft			Miami	HI
TEST-000062979-07	Test	2007-ASW-2891-OE	Terminated	03/31/2007	03/31/2007	Test	TX
TEST-000068585-07	Test	2007-ASW-4498-OE	Terminated	06/06/2007	06/06/2007	Test	TX
TEST-000070702-07	Test	2007-AAL-169-OE	Terminated	06/28/2007	06/28/2007	test	AK
TEST-000073196-07	Test	2007-ASW-6665-OE	Terminated	07/28/2007	07/28/2007	Test	TX
TEST-000076148-07	Test Case	2007-ASW-7840-OE	Terminated	08/30/2007	09/24/2007	Test	TX
TEST-000080619-07	Test	2007-ASW-9818-OE	Terminated	10/25/2007	10/25/2007	Test	TX
TEST-000089176-08	Test	2008-ASW-1637-OE	Terminated	02/28/2008	02/28/2008	Test	TX
TEST-000100444-08	test	2008-ASW-5488-OE	Terminated	08/04/2008	08/04/2008	Test	TX
TEST-000102395-08	test	2008-ASW-5898-OE	Terminated	08/28/2008	10/03/2008	Test	TX
TEST-000104649-08	test	2008-ASW-6317-OE	Terminated	10/03/2008	10/09/2008	test	TX

Rows per Page: 20 — Next page →

Records 1 to 20 of 31 — Page: 1 2 — Page 1 of 2

Project Status Definitions:

Draft: Cases that have been saved by the user but have not been submitted to the FAA.

Waiting: Cases that have not been submitted to the FAA and are waiting for an action from the user, either to verify the map or attach a sketch.

Accepted: Cases that have been submitted to the FAA.

Add Letter: Cases that have been reviewed by the FAA and require additional information from the user.

Work in Progress: Cases that are being evaluated by the FAA.

Determined: Cases that have a completed aeronautical study and an FAA determination.

Terminated: Cases that are no longer valid.

These definitions are also shown at the bottom of the summary screen.

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APPENDIX C

Airport Land Use Compatibility Concepts

OVERVIEW

The land use compatibility concerns addressed by ALUCs can generally be grouped under four headings: noise, safety, airspace protection, and overflight. **Table C1** briefly describes the nature of each of these compatibility concerns. The types of land use measures available to ALUCs for addressing these concerns are identified as well. The discussion that follows highlights some additional factors to be recognized when airport land use compatibility issues are examined.

NOISE

Measuring Noise *Impacts*

The principal tool by which airports and surrounding communities can assess airport noise impacts is through calculation of Community Noise Equivalent Level (CNEL) contours. In making such assessments, however, the limitations of CNEL contours are essential to recognize.

- **Averaging.** CNEL contours represent a single day's average of all of the aircraft noise events which take place at an airport over a year's time. The contours are a composite of individual noise events and thus do not directly measure these events. However, because noise is measured on a logarithmic scale, the contours can be significantly affected by a few particularly loud events or aircraft types. Also, particularly annoying noise (such as high-pitch sounds or ones which create vibrations) are not explicitly taken into account. Consequently, other noise factors often must be considered in land use compatibility planning evaluations.

- **Accuracy.** Many assumptions go into the calculation of noise contours. This is particularly the case at general aviation airports. A 2-3 dB accuracy with regard to calculation of existing contours is considered good. For future contours, the added uncertainty of forecasting both activity levels and aircraft technology means that an accuracy of ± 5 dB is as much as can realistically be expected.

- **Scope.** As normally depicted, cumulative noise level contours do not encompass the total area affected by aircraft noise around an airport. Use of noise contours to show marginally affected areas is, at best, imprecise because of the varied distribution of flight tracks and altitudes which occurs with increased distance from the runway ends.

- **Relationship to Land Uses.** Noise contours by themselves indicate nothing as to whether a given type of land use is compatible at a particular noise exposure. Basic compatibility guidelines have been established by both the federal and state governments, but adjustment of these criteria to reflect local community and airport conditions is still essential. This adjustment process is often referred to as *normalization*. Even after normalization has been applied, however, the comparative noise sensitivity of one person versus another still remains as a variable.

Noise Footprints of Individual Aircraft

A different perspective on airport noise impacts can be obtained by examining sound level data for individual aircraft operations as opposed to the composite contours described above. **Figure C2** shows a series of what are usually referred to as single-event levels or aircraft noise footprints. For each of the aircraft listed, these contours indicate the momentary, maximum sound levels experienced on the ground as the aircraft flies over while approaching and departing a runway. The 65 dBA sound level (the outermost contour) is significant in that this is the level at which interference with speech begins to be significant.

Formatted in this way, the noise levels of various types of aircraft can readily be compared. The footprints dramatically illustrate, for example, why early business jets and other noisy aircraft (including fire attack aircraft) can have a major effect on the size of cumulative noise contours despite their relatively small number of annual operations. The footprints also show the relatively small noise impact of contemporary regional airline jets—about the same as an average, twin piston-engine airplane.

SAFETY

Assessing Aircraft Accident Risks

Accident risks can generally be assessed in terms of two components: the *frequency* with which the accidents can be predicted to occur; and the potential *severity* of an accident when one occurs. Aircraft accidents near airports are events which happen infrequently, but, when they do, the consequences can be severe. To better appreciate the relationship between risks and safety compatibility planning for airport environs, further examination of these two components is useful.

The frequency component of risk is itself comprised of two elements. One is the *relative* frequency with which accidents occur in any given location as compared to other locations. The second is the *absolute* frequency with which accidents take place in a given proximity to an airport runway over a specified period of time. Until recently, good data on the spatial or geographic distribution of near-airport, general aviation aircraft accidents was lacking. As discussed below, valuable information on this topic is now available.

The temporal, or time, element of aircraft accident frequency remains a controversial subject. Accident probabilities as a function of time can be calculated using nationwide ratios of accidents to aircraft operations and then multiplying by the number of aircraft operations expected to take place at an individual airport over a specified period of time. For any particular parcel or small area, however, the resulting probability numbers are so low as to seem insignificant. The problem is that the numbers by themselves lack context. Sometimes, attempts are made to give them a sense of scale by making comparisons with the probability of an individual being struck by lightning or experiencing some other calamity. Even then, though, it is difficult to base land use policies on risk data comparing widely different types of events.

A further aspect of the problem, especially with regard to aircraft accident risks, is that public *perception* is perhaps more important than statistics. While the reality is that accidents involving light, general aviation aircraft seldom cause major damage or deaths on the ground, public perception usually is that only "luck" prevented any particular event from being a major catastrophe. Accidents involving larger aircraft—

business jets and airline aircraft—are more likely to have significant consequences to land uses, but there are fewer such aircraft flying at most airports and, on a national basis, the accident frequency is lower than for small planes. Also important—especially when considering the fundamental role of ALUCs to protect airports—is that, when an aircraft accident happens near an airport, public response is usually in favor of restricting the airport usage, not the surrounding land uses.

Ultimately, this issue boils down to the question of: what is acceptable risk? The answer to this question is something which individual communities must each decide. In urban locations, people generally accept a somewhat higher level of risk than they might in rural areas, just as they accept a higher level of ambient noise. It is simply one of the disadvantages of urban living which go hand in hand with the advantages. Safety is relative, not absolute.

Aircraft Accident Locations

The number of off-airport aircraft accidents at any particular airport is too small to provide a meaningful indication of where accidents may occur near that airport in the future. To better assess the geographic distribution of aircraft accident risks near an airport, a larger database is necessary. A database of this type was initially developed for the 1993 *Airport Land Use Planning Handbook* published by the California Department of Transportation Aeronautics Program. The database was expanded in 1999, re-verified in 2011, and now contains information on some 873 general aviation aircraft accidents (445 arrival accidents and 428 departure accidents) which occurred within 5 miles of an airport, but not on the runway. (This data includes accidents at airports nationwide over roughly a 10-year period. However, because precise location data is not available for most accidents, the database represents only a fraction of the total number of off-airport accidents that took place during this time span.)

The charts in **Figures C2** and **C3** depict the relative geographic intensity of general aviation aircraft accident risks for arrival and departure accidents, respectively. Each dot represents the location of an aircraft accident site mapped with respect to the approach or departure runway which the aircraft was intending to use for landing or had used on takeoff. The 20% contour represents the highest or most concentrated risk intensity, the 40% contour represents the next highest risk intensity, etc. Each contour interval is drawn so as to encompass 20% of the dots within the most compact area.

The charts reveal several facts:

- About half of arrival accidents and a third of departure accidents take place within the FAA-defined runway protection zone for a runway with a low-visibility instrument approach procedure (a 2,500-foot long trapezoid, varying from 1,000 feet to 1,750 feet in total width). This fact lends validity to the importance of the runway protection zones as an area within which land use activities should be minimal.

- Although the runway protection zones represent the locations within which risk levels are highest, a significant degree of risk exists well beyond the runway protection zone boundaries. Among all near-airport (within 5 miles) accidents, over 80% are concentrated within 1.5 to 2 miles of a runway end.

- Arrival accidents tend to be concentrated relatively close to the extended runway centerline. Some 80% occur within a strip extending 10,000 feet from the runway landing threshold and 2,000 feet to each side of the runway centerline.

- Departure accidents are comparatively more dispersed laterally from the runway centerline, but are concentrated closer to the runway end. Many departure accidents also occur lateral to the runway

itself, particularly when the runway is long. Approximately 80% of the departure accident sites lie within an area 2,500 from the runway centerline and 6,000 feet beyond the runway end or adjacent to the runway.

This data does not address the other major components of aircraft accident risk: the potential consequences of accidents when they occur and the frequency with which they occur. The intent is merely to illustrate the relative intensity of the risks on a geographic scale.

Furthermore, as with noise contours, risk data by itself does not answer the question of what degree of land use restrictions should be established in response to the risks. Although most ALUCs have policies which restrict certain land use activities in locations beyond the runway protection zones, the size of the area in which restrictions are established and the specific restrictions applied vary from one county to another.

AIRSPACE Protection

The Federal Aviation Administration establishes the criteria which determines the airspace essential to the safe flight of aircraft to, from, and around airports. There are two separate sets of criteria, each with a different purpose.

Criteria used to protect the airspace around airports from tall structures which could pose hazards to flight are established in Title 14 Part 77 of the Code of Federal Regulations (14CFR77). The regulations, though, do not give the FAA direct authority to limit the height of structures. This authority rests with state and local governments. Rather, Part 77 serves primarily as a notification device. Before a structure which would exceed the Part 77 surfaces is built, notification must be submitted to the FAA. The FAA then conducts an aeronautical study to determine whether the object would or would not be a hazard to air navigation. The FAA also may indicate that an obstruction should be marked and/or lighted.

The FAA's direct authority with regard to airport airspace is to define instrument approach procedures. The criteria used for this purpose are outlined in the *United States Standard for Terminal Instrument Procedures (TERPS)*. Unlike 14CFR77 which sets desirable limits on the height of structures, TERPS takes these objects as a given and then uses that information in the procedure design. If a new structure is built which penetrates one of the TERPS surfaces for an existing procedure, the procedure must be redesigned with higher approach minimums or perhaps eliminated altogether.

In general, 14CFR77 surfaces for a particular airport are lower than those defined by TERPS. 14CFR77, however, does not specifically take into account turns in approaches or, more significantly, in missed approaches. Thus, it is possible for a structure to be built to a height which does not exceed the 14CFR77 limits, but still adversely affects an existing instrument approach procedure. Also to be considered is that a structure which does not adversely affect an existing procedure could be the critical obstacle for a future, not yet designed, procedure. For airports that have existing or planned instrument approach procedures, a review of TERPS surfaces can be an important land use compatibility component.

OVERFLIGHT

Assessing Overflight *Annoyance*

A general definition of *overflight* impacts is that they are noise-related impacts affecting locations outside the typical contours described by cumulative noise level metrics. Compared to the measured noise impacts, overflight impacts are more subtle and subjective. Also, they seem to include elements of both noise and safety concerns. Often the impacts are revealed in the form of *annoyance* expressed by some people living near an airport.

Although overflight noise is detectible and therefore measurable, the highly subjective individual reactions to overflights makes the value of measurement on a decibel scale questionable. A more representative measure of overflight impacts is the absolute number of intrusive events which occur, but there is no agreed-upon, scientific standard for what an acceptable number might be.

For the purposes of airport land use compatibility planning, a simpler form of assessment may be more practical. This approach presumes that aircraft overflight impacts are potentially a concern anywhere along the standard aircraft traffic pattern flight tracks for an airport. Annoyance concerns can also be expected, but to lesser degrees, elsewhere in the airport vicinity where aircraft fly at or below traffic pattern altitude while approaching or departing the runway.

Whether a significant degree of overflight annoyance will actually occur in the vicinity of an airport is influenced by a variety of factors, both environmental and human. Building type and design, ambient noise levels, the characteristics and predictability of the noise itself, and (as noted above) the frequency of occurrence are among the environmental factors involved. An individual's sense of annoyance at overflights depends upon such factors as characteristics of the land use activity being disrupted, personal sensitivity to noise, attitudes toward aviation, and experience and expectations regarding noise levels in the community.

Buyer Awareness Measures

As indicated in **Table C1**, the basic means available to ALUCs for addressing overflight issues is through buyer awareness measures. Buyer awareness programs recognize the subjective nature of annoyance. The concept is that the likelihood of people being annoyed by airport activity can be reduced if they are made aware of the airport's proximity and the nature and location of aircraft overflights before moving into the airport area.

Buyer awareness is really an umbrella term for three separate types of measures all having the objective of ensuring that prospective buyers of property in the vicinity of an airport are informed about the airport's impacts on the property. Although variations are sometimes created, the three basic types of buyer awareness measures are:

- **Avigation Easement Dedication.** A requirement for avigation easement dedication is usually applied only to new development. It is the most comprehensive and stringent form of buyer awareness measures. Although the rights associated with most avigation easements are established in other forms (e.g., local, airport-vicinity, height-limit zoning ordinances, and Federal Aviation Regulations), an avigation easement clearly conveys these rights to the airport owner.

- **Recorded Overflight Notification.** Recorded overflight notification is a type of deed notice. It is similar to an avigation easement in that it is recorded with the deed to a property and is usually implemented only in conjunction with some form of development approval process. Unlike an easement, though, it does not convey any property rights. Deed notices serve only to formalize the fact that a property is subject to aircraft overflights and noise.
- **Real Estate Disclosure**. Real estate disclosure is the least formal method of implementing a buyer awareness program. It relies upon standard real estate disclosure laws and practices to ensure that prospective buyers of property in the airport vicinity are informed about the proximity of a nearby airport and the impacts it creates. The likelihood of this information being disclosed can be increased if the airport or the local land use jurisdiction provide official notification to local real estate brokers and title companies.

NOISE

Nature of Compatibility Concerns	*Land Use Measures Available for Addressing the Concerns*
▪ Disruption of human activities (such as conversation, television watching, and sleep) by loud aircraft noise.	▪ Avoid land uses involving activities, particularly outdoor activities, which are sensitive to disruption by noise (and encourage uses which are themselves inherently noisy). ▪ Design buildings so as to reduce the intrusion of noise from outside (by, for example, minimizing the number of exterior windows or installing sound insulation). ▪ Construct sound barriers to reduce impact of engine run-ups and other ground-based aircraft noise.

SAFETY

Nature of Compatibility Concerns	*Land Use Measures Available for Addressing the Concerns*
▪ Risks to people and property on the ground in the event of an aircraft accident. ▪ Land use characteristics which may affect the survivability of an accident for occupants of an aircraft.	▪ Minimize the number of people occupying areas where accidents are most likely to occur. ▪ Avoid structures for which evacuation is difficult (multi-story buildings in particular). ▪ Avoid uses for which evacuation of occupants is difficult (for example, hospitals and children□s schools). ▪ Design structures to reduce potential for small aircraft to penetrate the building in the event of a crash. ▪ Provide open areas in the airport vicinity where small aircraft can make a survivable emergency landing if necessary.

AIRSPACE PROTECTION

Nature of Compatibility Concerns	*Land Use Measures Available for Addressing the Concerns*
▪ Tall structures creating hazards to navigable airspace around airports. ▪ Visual hazards to flight (sources of smoke, glare, or lights which can be confused with airport lights). ▪ Electronic hazards to flight (interference with radio communication or navigation signals). ▪ Uses which can attract birds which aircraft might strike while in flight.	▪ Limit the heights of buildings, antennas, trees and other tall objects in critical areas near airports. ▪ Avoid uses and facility designs which can create visual or electronic hazards to flight. ▪ Avoid uses (such as landfills) which attract birds close to airports.

OVERFLIGHT

Nature of Compatibility Concerns	*Land Use Measures Available for Addressing the Concerns*
▪ Human annoyance with frequent overflight of aircraft.	▪ Establish policies intended to inform prospective buyers of homes and other property in the airport vicinity that the neighborhood is subject to aircraft overflights and noise. Types of buyer awareness measures include: ▫ Avigation easement dedication (as a condition for approval of a proposed new development). ▫ Recorded overflight notification (recorded as part of the approval of a proposed new development). ▫ Real estate disclosure (a recommendation to be implemented by real estate agents and sellers of property located within the airport influence area).

Table C1

Airport Land Use Compatibility Concepts

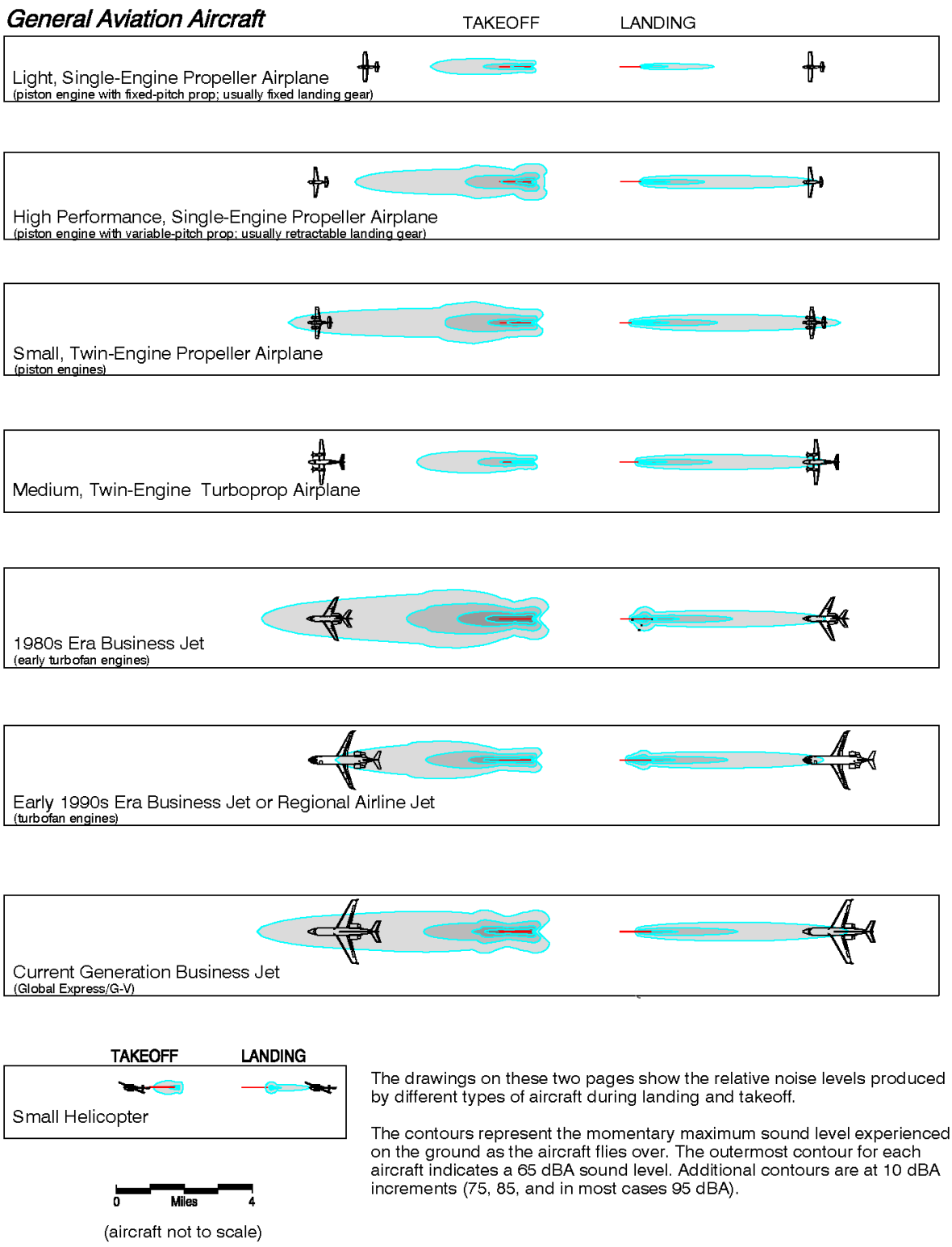

Figure C1

Noise Footprints of Selected Aircraft

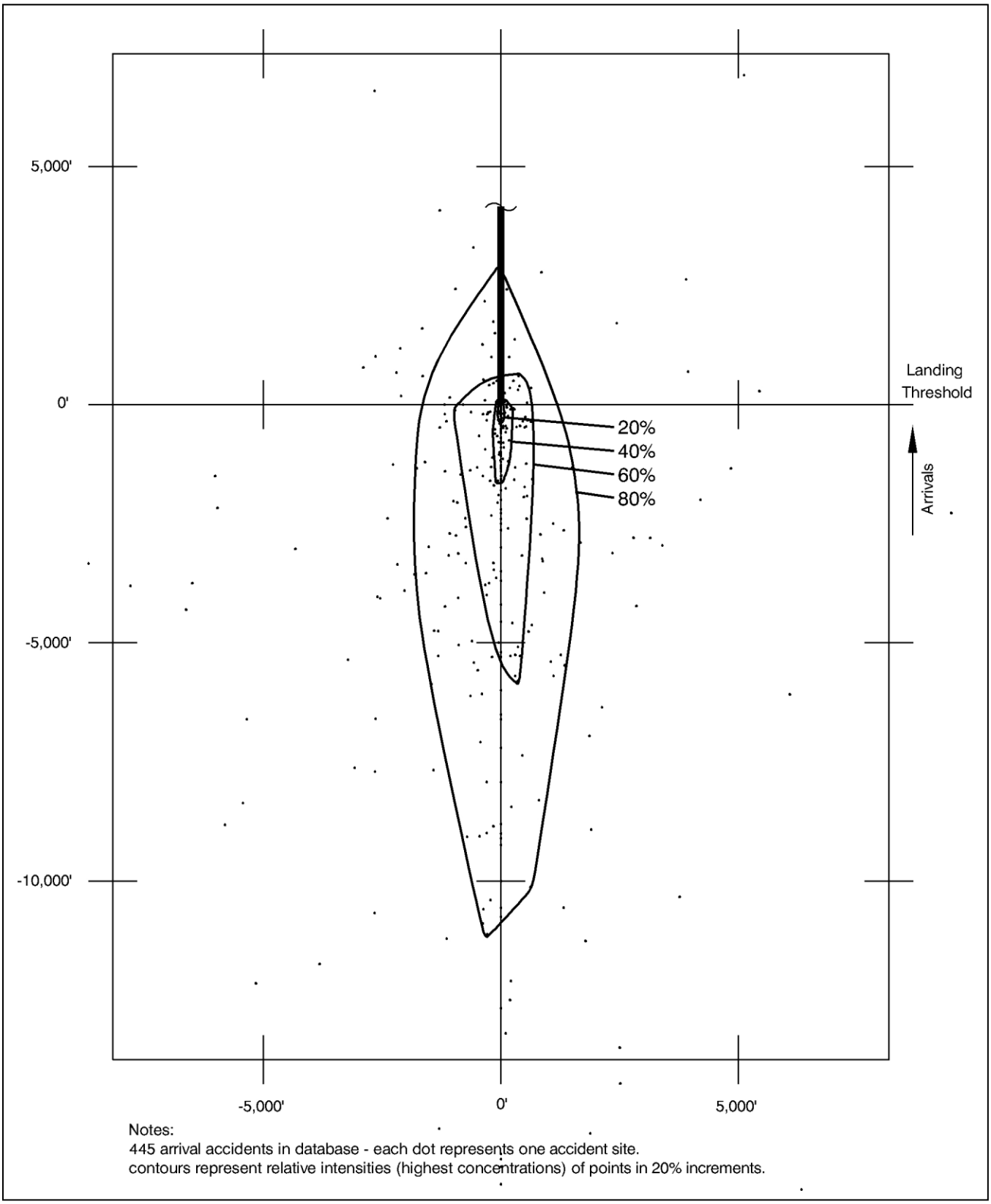

Figure C2

General Aviation Accident Distribution Contours

All Arrivals

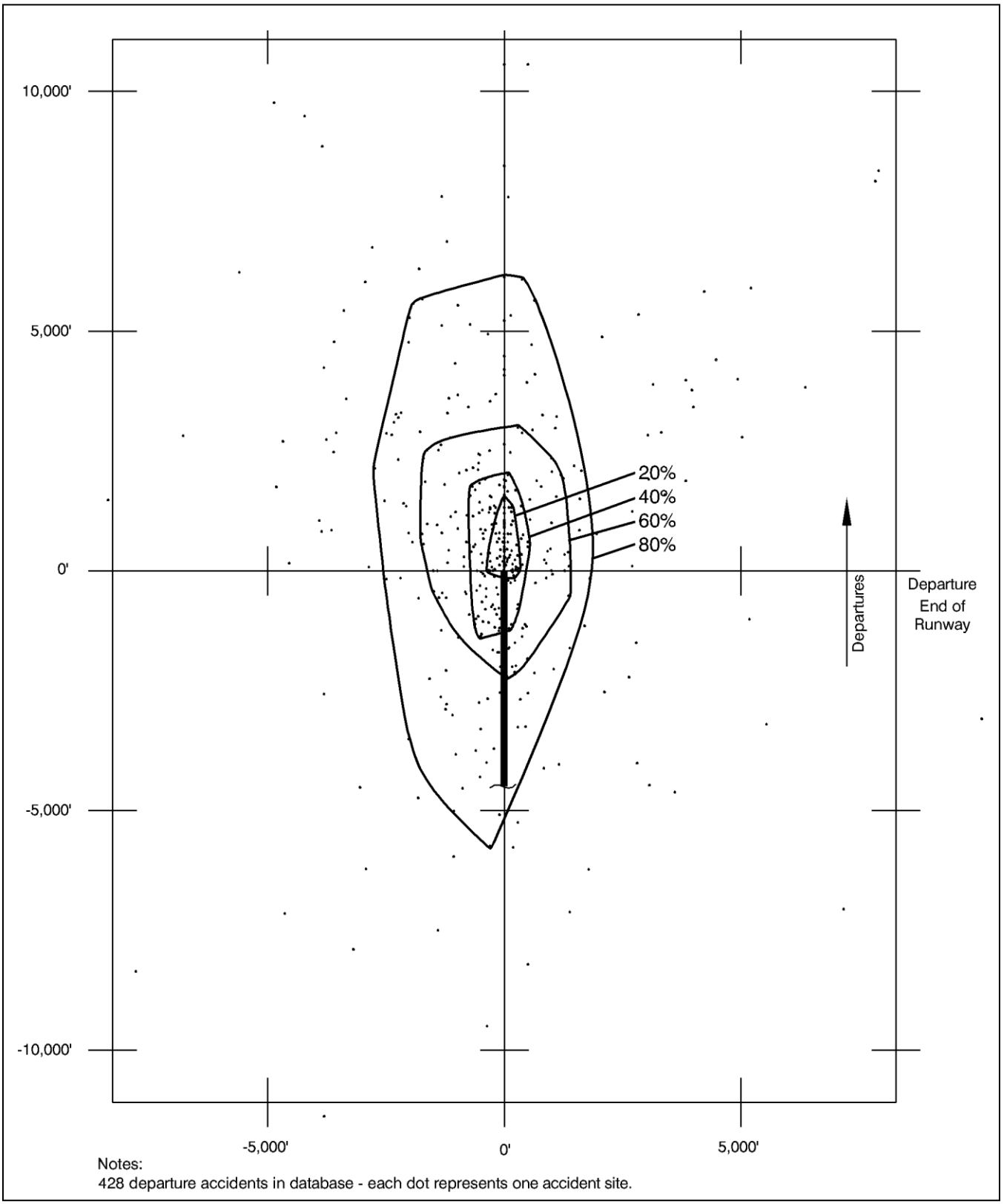

Figure C3

General Aviation Accident Distribution Contours

All Departures

APPENDIX D

Methods for Determining Concentrations of People

INTRODUCTION

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

COUNTING PEOPLE

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

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

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

Survey of Similar Uses

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

Maximum Occupancy

A second option for estimating the number of people who will be on a site is to rely upon data indicating the maximum occupancy of a building measured in terms of Occupancy Load Factor—the number of square feet per occupant. The number of people on the site, assuming limited outdoor or peripheral uses, can be calculated by dividing the total floor area of a proposed use by the Occupancy Load Factor. The

challenge of this methodology lies in establishing realistic figures for square feet per occupant. The number varies greatly from one use to another and, for some uses, has changed over time as well.

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table C1 indicates the Occupancy Load Factors for various types of uses. The CBC, though, is intended primarily for purposes of structural design and fire safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building's gross square footage. Surveys of actual Occupancy Load Factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The following are selected examples of square footage per *employee* gathered from a variety of sources.

Land Use Category	**Square Feet per Employee**
Call centers	150 – 175
Typical offices	180 – 250
Law, finance, real estate offices	300 – 325
Research & development, light industry	300 – 500
Health services	500

The numbers above do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking space requirements can be correlated with occupancy numbers only where nearly all users arrive by private vehicle rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces

that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

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

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

Land Use Category	Parking Space per 1,000 Square Feet
Small Restaurants	10.0
Medical Offices	4.0 – 5.7
Shopping Centers	4.0 – 5.0
Health Clubs	3.3 – 5.0
Business Professional Offices	3.3 – 4.0
Retail Stores	3.0 – 3.5
Research & Development	2.5 – 4.0
Manufacturing	2.0 – 2.5
Furniture, Building Supply Stores	0.7 – 1.0

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

Vehicle Trip Purpose	Vehicle Occupancy (People per Vehicle)
Work	1.05 – 1.2
Education	1.2 – 2.0
Medical	1.5 – 1.7
Shopping	1.5 – 1.8
Dining, Social, Recreational	1.7 – 2.3

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

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

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

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *UKIALUCP* to determine whether the proposal is consistent or inconsistent with the policies. **Table D2** shows sample calculations.

Comparison with Parking Space Requirements

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the Occupancy Load Factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each vehicle is assumed to be occupied by 1.1 persons, the equivalent Occupancy Load Factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry.

As an added note, the Occupancy Load Factor of 215 square feet per person for office uses indicated in **Table 3A**, *Basic Compatibility Criteria*, is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in **Table 3A** is slightly more restrictive than would result from a higher Occupancy Load Factor.

Comparison with Floor Area Ratio

Usage intensity or "people per acre" used in compatibility planning is not a common metric in other facets of land use planning. Floor area ratio or FAR—the gross square footage of the buildings on a site divided by the site size—is a more common measure in land use planning. Some counties and cities adopt explicit FAR limits in their zoning ordinance or other policies. Those that do not set FAR limits often have other requirements such as, a maximum number of floors a building can have, minimum setback distances from the property line, and minimum number of parking spaces. These requirements effectively limit the floor area ratio as well.

From a safety compatibility standpoint, a major shortcoming of FAR is that it does not directly correlate with risks to people because different types of buildings with the same FAR can have vastly different numbers of people inside—a low-intensity warehouse versus a high-intensity restaurant, for example. For FAR to be applied as a factor in setting development limitations, assumptions must be made as to how much space each person (employees and others) in the building will occupy.

Table 3A, which provides compatibility evaluations for specific types of land uses, utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on

the local level. **Table 3A** indicates the assumed Occupancy Load Factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{\text{(allowable usage intensity) x (Occupancy Load Factor)}}{43{,}560}$$

where *usage intensity* is measured in terms of people per acre and Occupancy Load Factor as square feet per person.

For single-use projects (e.g., industrial facility), a project may be tested for compliance by directly comparing the proposed floor area ratio of the project with the maximum floor area ratio limit indicated for the land use category and compatibility zone. If the proposed floor area ratio exceeds the floor area ratio limit, the project is incompatible unless modified to ensure compliance with the intensity criteria.

For projects involving multiple nonresidential land use categories (e.g., office and retail), each component use must be assigned a share of the overall project site. Typically, this share is assumed to be the same as the component use's share of the total project floor area. Then, each component floor area ratio is compared with the maximum floor area ratio limit indicated for the land use category and compatibility zone.

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

Source: California Building Code (2007), Table 1004.1.1

Table D1

Occupant Load Factors

California Building Code

Example 1

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

A. Calculation Based on Parking Space Requirements

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

The average usage intensity would therefore be calculated as follows:

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

B. Calculation Based on Uniform Building Code

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

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

C. Calculation of Single Acre Intensity

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

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

Conclusions: In this instance, both methodologies yield the same results. For different uses and/or different assumptions, the two methodologies are likely to produce different numbers. In most such cases, the UBC methodology will indicate a higher intensity. The 57 people per average acre and the 100 people per single acre results must be compared with the intensity limits provided in the Basic Compatibility Criteria table in this *UKIALUCP*.

Table D2

Sample People-Per-Acre Calculations

Example 2

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

A. Calculation Based on Parking Space Requirements

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

The average usage intensity would be:

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

B. Calculation Based on Uniform Building Code

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

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

C. Calculation for Single Acre Intensity

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

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

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

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

Table D2, Continued

Project Referral Form

APPLICATION FOR MAJOR LAND USE ACTION REVIEW
MENDOCINO COUNTY AIRPORT LAND USE COMMISSION
UKIAH MUNICIPAL AIRPORT

ALUC Identification No.

PROJECT PROPONENT (TO BE COMPLETED BY APPLICANT)

Date of Application _____

Property Owner _____ Phone Number _____

Mailing Address _____

_____

_____

Agent (if any) _____ Phone Number _____

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 _____ Zoning Classification _____

Lot Number _____

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 (include secondary units) _____

For Other Land Uses — Hours of Use _____

Number of People On Site… — Maximum Number _____

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 _____

_____

Type of Project

- ☐ General Plan Amendment
- ☐ Zoning Amendment or Variance
- ☐ Subdivision Approval
- ☐ Use Permit
- ☐ Public Facility
- ☐ Other _____

ALUC SECRETARY'S REVIEW (TO BE COMPLETED BY ALUC SECRETARY)

Application Receipt

Date Received _____ By _____

Is Application Complete? ☐ Yes ☐ No

If no, cite reasons _____

Primary Criteria Review

Compatibility Zone(s) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ Other Airport Environs

Allowable (not prohibited) Use?	☐ Yes	☐ No	_____
Density/Intensity Acceptable?	☐ Yes	☐ No	_____
Open Land Requirement Met?	☐ Yes	☐ No	_____
Height Acceptable?	☐ Yes	☐ No	_____
Easement/Deed Notice Provided?	☐ Yes	☐ No	_____

Special Conditions

Describe: _____

_____

Supplemental Criteria Review

Noise _____

_____

Safety _____

_____

Airspace Protection _____

_____

Overflight _____

_____

ACTIONS TAKEN (TO BE COMPLETED BY ALUC SECRETARY)

ALUC Secretary's Action

☐ Approve Date _____

☐ Refer to ALUC

ALUC Action

☐ Consistent Date _____

☐ Consistent with Conditions (list conditions/attach additional pages if needed)

_____

_____

☐ Inconsistent (list reasons/attach additional pages if needed)

_____

APPENDIX **F**

General Plan Consistency Checklist

Compatibility planning issues can be reflected in a general plan in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements.** One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.

- **Adopt a General Plan Airport Element.** Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.

- **Adopt ALUCP as Stand-Alone Document.** Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *ALUCP*. Changes to the community's existing general plan would be minimal. Policy reference to the separate *ALUCP* document would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the stand-alone document.

- **Adopt Airport Combining District or Overlay Zoning Ordinance.** This approach is similar to the stand-alone document except that the local jurisdiction would not explicitly adopt the *ALUCP* as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone.

This checklist is intended to assist counties and cities with modifications necessary to make their local general plans and other local policies consistent with the ALUC's compatibility plan. It is also designed to facilitate ALUC reviews of these local plans and policies**.**

COMPATIBILITY CRITERIA

General Plan Document

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

- **Land Use Map.** No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.
  - □ Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels (see below) may need to be taken into account.
  - □ Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
  - □ No new land uses of a type listed as specifically prohibited should be shown within affected areas.
- **Noise Element.** General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent compatibility plan 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 compatibility plan 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.

- **Accessory Dwellings.** State law limits restrictions on accessory residential dwellings. As such, these dwellings, if in conformance with state law, should not be included in residential density calculations.

Zoning or Other Policy Documents, Continued

- **Intensity Limitations on Nonresidential Uses.** Local policies must 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 compatibility plan. Alternatively, local jurisdictions 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.
- **Identification of Prohibited Uses.** Compatibility plans may prohibit schools, day care centers, assisted living centers, hospitals, and certain other uses within much of an airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.
- **Open Land Requirements.** *ALUCP* requirements, if any, for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land should also be established
  - **Infill Development.** If an *ALUCP* contains infill policies and a jurisdiction wishes to take advantage of them, the lands that meet the qualifications must be shown on a map.

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

Zoning or Other Policy Documents, Continued

- **Height Limitations and Other Hazards to Flight.** To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon CFR Part 77. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- **Buyer Awareness Measures.** Besides disclosure rules already required by state law, as a condition for approval of development within certain compatibility zones, some *ALUCP*s require either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local agency policies must contain similar requirements.
- **Nonconforming Uses and Reconstruction.** Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the *ALUCP*, if any.

REVIEW PROCEDURES

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

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

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

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APPENDIX G

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in this *UKIALUCP* rests largely with the *ALUC* and the local jurisdictions: Mendocino County and the city of Ukiah. As described in Appendix F, modification of general plans and specific plans for consistency with the *ALUCP* is the major step in this process. However, not all of the measures necessary for achievement of airport land use compatibility are necessarily included in general plans and specific plans. Other types of documents also serve to implement the *ALUCP* policies. Samples of such implementation documents are included in this appendix.

Airport Combining Zone Ordinance

As noted in Chapter 1 of this document, one option that the affected local jurisdictions can utilize to implement airport land use compatibility criteria and associated policies is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required, but is suggested as an option. **Appendix G1** describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

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

- **Avigation Easement.** Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). This *UKIALUCP* requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specifically, the easement dedication requirement applies to development within *Compatibility Zones 1*, 1*, *2*, and *3* and the *Height Review Overlay Zone*. A sample of a standard avigation easement is included in **Appendix G2**.

- **Recorded Overflight Notification.** An overflight notification informs property owners that the property is subject to aircraft overflight and generation of noise and other impacts. No restrictions on the heights of objects, requirements for marking or lighting of objects, or access to the property for these purposes are included. An overflight notification serves only as buyer acceptance of overflight conditions. **Appendix G3** outlines typical language of an overflight easement. Unlike an avigation easement, an overflight notification is not a conveyance of property rights. They merely memorialize the right of aircraft to overfly a property near an airport and to cause noise and other impacts associated with normal flight. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with the sale of the property to subsequent owners.

- **Real Estate Disclosure.** A less definitive, but more all-encompassing, form of buyer awareness measure is for the ALUC and local jurisdictions to establish a policy indicating that information about and airport's influence area should be disclosed to prospective buyers of all airport-vicinity properties

prior to transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see **Appendix A** for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

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

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

- **Airspace Protection.** A combining district can establish restrictions on the height of buildings, antennas, trees, and other objects as necessary to protect the airspace needed for operation of the airport. These restrictions should be based upon the current version of Title 14 Code of Federal Regulations Part 77 14CFR77, *Safe, Efficient Use, and Preservation of the Navigable Airspace*, Subpart C. Additions or adjustment to take into account instrument approach (TERPS) surfaces should be made as necessary. Provisions prohibiting smoke, glare, bird attractions, and other hazards to flight should also be included.
- **FAA Notification Requirements.** Combining districts also can be used to ensure that project developers are informed about the need for compliance with the notification requirements of 14CFR77. Subpart B of the regulations requires that the proponent of any project which exceeds a specified set of height criteria submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration prior to commencement of construction. The height criteria associated with this notification requirement are lower than those spelled out in 14CFR77, Subpart C, which define airspace obstructions. The purpose of the notification is to determine if the proposed construction would constitute a potential hazard or obstruction to flight. Notification is not required for proposed structures that would be shielded by existing structures or by natural terrain of equal or greater height, where it is obvious that the proposal would not adversely affect air safety.
- **Maximum Densities/Intensities.** Airport noise and safety compatibility criteria are frequently expressed in terms of dwelling units per acre for residential uses and people per acre for other land uses. These standards can either be directly included in a combining zone or used to modify the underlying land use designations. For residential land uses, the correlation between the compatibility criteria and land use designations is direct. For other land uses, the method of calculating the intensity limitations needs to be defined. Alternatively, a matrix can be established indicating whether each specific type of land use is compatible with each compatibility zone. To be useful, the land use categories need to be more detailed than typically provided by general plan or zoning ordinance land use designations.
- **Open Areas for Emergency Landing of Aircraft.** In most circumstances in which an accident involving a small aircraft occurs near an airport, the aircraft is under control as it descends. When forced to make an off-airport emergency landing, pilots will usually attempt to do so in the most open areas readily available. To enhance safety both for people on the ground and the occupants of the aircraft, airport compatibility plans often contain criteria requiring a certain amount of open land near airports. These criteria are most effectively carried out by planning at the general or specific plan level, but may also need to be included in a combining district so that they will be applied to development of large parcels. Adequate open areas can often be provided by clustering of development on adjacent land.
- **State Regulation of Obstructions.** State law prohibits anyone from constructing or altering a structure or altering a structure or permitting an object of natural growth to exceed the heights established by 14CFR77, Subpart C, unless the FAA has determined the object would or does not constitute a hazard to air navigation (Public Utilities Code, Section 21659). Additionally, a permit from the Department of Transportation is required for any structure taller than 500 feet above the ground unless the height is reviewed and approved by the Federal Communications Commission or the FAA (Section 21656).
- **Designation of High Noise-Impact Areas.** California state statutes require that multi-family residential structures in high-noise exposure areas be constructed so as to limit the interior noise to a Community Noise Equivalent Level of no more than 45 dB. A combining district could be used to indicate the locations where special construction techniques may be necessary in order to ensure compliance with this requirement. The combining district also could extend this criterion to single-family dwellings.
- **Areas of Special Compatibility Concern.** A significant drawback of standard general plan and zoning ordinance land use designations is that they can be changed. Uses that are currently compatible are not assured of staying that way in the future. Designation of areas of special compatibility concern would serve as a reminder that airport impacts should be carefully considered in any decision to change the existing land use designation. [A legal consideration which supports the value of this concept is that down-zoning of a property to a less intensive use is becoming more difficult. It is much better not to have inappropriately up-zoned the property in the first place.]
- **Real Estate Disclosure Policies.** The geographic extent and specific language of recommended real estate disclosure statements can be described in an airport combining zone ordinance.

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

Table G1

Sample Airport Combining Zone Components

TYPICAL AVIGATION EASEMENT

[Insert Airport Name]

This indenture made this _____ day of _____, 20__, between _____ hereinafter referred to as Grantor, and the [Insert Name of Airport Owner], 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 Code of Federal Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the [Insert Airport Name] 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 hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Table G2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the Grantee, for the direct benefit of the real property constituting the [Insert Airport Name] hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted.

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 [Insert Airport Name], 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 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 [Insert Airport Name], or in otherwise flying through said Airspace.

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

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

DATED:

_____ _____

_____

STATE OF }

ss

COUNTY OF }

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

WITNESS my hand and official seal.

_____

Notary Public

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

Table G2, continued

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of _____ and the City of _____, State of California, described as _____[APN No.:------].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of the _____Airport Land Use Commission for the overflight notification provided in the _____Airport Land Use Compatibility Plan.

The _____Airport Land Use Compatibility Plan and [Insert County / City Name] Ordinance (Ordinance No.___) identify the [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 population and economic growth in the County of _____. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at *[Insert Airport Name]*. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of aircraft.

The airport operator, the [Insert Name of Airport Owner], maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall be duly recorded with the _____ County Assessor's Office, shall run with the Property, and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date:_____, 20__

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

Table G3

Recorded Overflight Notification

APPENDIX **H**

Glossary of Terms

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

Accessory Dwelling: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. (Government code, Section 65852.2(j)(1))

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code of Federal Regulations (CFR) Title 14 Part 77 (14CFR77): The part of the Code of Federal Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions. 14CFR77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. A copy of the regulations is available at www.ecfr.gov.

CFR Title 14 Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

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

Code of Federal Regulations (CFR): Regulations formally issued by the FAA to regulate air commerce.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Overlay Zone: See *Combining District*.

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

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

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

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

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

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

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

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

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

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

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

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

Structure: Something that is constructed or erected.

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

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

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

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

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

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

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

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

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

CFR 1: Code of Federal Regulations Part 1, Definitions and Abbreviations

AIM: Aeronautical Information Manual

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

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

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

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

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board

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ATTACHMENTS

Resolution Number ALUC_2021-0002

County of Mendocino
Ukiah, California

MAY 20, 2021

RESOLUTION OF THE MENDOCINO COUNTY AIRPORT LAND USE COMMISSION, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND THE UKIAH MUNICIPAL AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, California Public Utilities Code section 21670(a) requires Airport Land Use Commissions to prepare Airport Land Use Compatibility Plans for public-use airports to promote compatibility between airports and the land uses surrounding; and

WHEREAS, the Mendocino County Airport Land Use Commission adopted the Mendocino County Airport Comprehensive Land Use Plan (ACLUP) on October 21, 1993 and adopted revisions on June 6, 1996; and

WHEREAS, the Mendocino County Airport Land Use Commission desires to replace the portions of the ACLUP related to the Ukiah Municipal Airport with a separate and distinct plan, the Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), located within the City limits of the City of Ukiah, at the Ukiah Municipal Airport and within the associated Airport Influence Area (AIA) in both the City Limits and unincorporated areas of Mendocino County (the "Project"); and

WHEREAS, the draft UKIALUCP were prepared with advice from a technical advisory group that included representatives from the City of Ukiah, the County of Mendocino, and the ALUC; and

WHEREAS, a Negative Declaration was prepared for the Project and noticed and made available for agency and public review on July 16, 2020 in accordance with the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines; and

WHEREAS, revisions to the Negative Declaration and an Addendum to the UKIALUCP were prepared in response to comments received during the public review period; and

WHEREAS, the aforementioned revisions to the Negative Declaration do not trigger recirculation pursuant to section 15073.5 of the CEQA Guidelines as the revisions do not create new avoidable significant effects; and

WHEREAS, in accordance with applicable provisions of law, the Mendocino County Airport Land Use Commission held a public hearing on May 20, 2021, at which time the Mendocino County Airport Land Use Commission heard and received all relevant testimony and evidence presented orally or in writing regarding the Negative Declaration and the Project. All interested persons were given an opportunity to hear and be heard regarding the Negative Declaration and the Project; and

WHEREAS, the Mendocino County Airport Land Use Commission has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Mendocino County Airport Land Use Commission regarding the Negative Declaration and the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mendocino County Airport Land Use Commission makes the following findings:

1. That the foregoing recitals are true and correct and incorporated herein by this reference.

2. The UKIALUCP was prepared in conformance with the California Airport Land Use Planning Handbook (October 2011), prepared by the State of California Department of Transportation Division of Aeronautics, and California Public Utilities Code section 21675.
3. The UKIALUCP has taken into account the features of the Ukiah Municipal Airport development proposals that have implications for off-airport land uses.
4. The UKIALUCP is regulatory in nature, and neither the project nor their subsequent implementation by local agencies will lead directly to new development, construction, or to any physical change to the environment.
5. The UKIALUCP does have the potential to indirectly cause a physical change in the environment by influencing future land use and development patterns through the establishment of compatibility guidelines that are intended to prohibit or constrain certain types of development within specifically delineated areas. No significant impacts to environmental resources were identified during the analysis performed for the Initial Study and Negative Declaration.

BE IT FURTHER RESOLVED that the Mendocino County Airport Land Use Commission hereby adopts the Negative Declaration. The Mendocino County Airport Land Use Commission certifies that the Negative Declaration has been completed, reviewed, and considered, together with the comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, finds that the Negative Declaration reflects the independent judgment and analysis of the Mendocino County Airport Land Use Commission, and finds that there is no substantial evidence that the project will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Mendocino County Airport Land Use Commission hereby adopts the UKIALUCP and associated Addendum and the UKIALUCP replaces the compatibility plan for Ukiah Municipal Airport adopted by the Mendocino County Airport Land Use Commission in 1996, and hereby directs staff to transmit the UKIALUCP to the California Department of Transportation Division of Aeronautics.

BE IT FURTHER RESOLVED that the Mendocino County Airport Land Use Commission designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Mendocino County Airport Land Use Commission action shall be final and immediately effective upon date of adoption.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES F. FEENAN
Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
Interim Director

_____

ERIC CRANE, Chair
Mendocino County Airport Land Use Commission

_____

Notice of Determination

To:
☒ Office of Planning and Research
U.S. Mail: PO Box 3044, Sacramento, CA 95812-3044
Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95812

☒ County Clerk:
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

From:
Mendocino County Planning & Building
860 North Bush Street
Ukiah, CA 95482
Contact: Julia Acker Krog
Email: ackerj@mendocinocounty.org
Phone: 707-234-6650

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 Resource Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2020070320

Project Title: Ukiah Airport Comprehensive Land Use Plan

Project Applicant: County of Mendocino – Planning and Building Services

Project Location (include county): Within the City limits of the City of Ukiah, at the Ukiah Municipal Airport and within the associated Airport Influence Area (AIA) in both the City Limits and unincorporated areas of Mendocino County. APN 003-310-08; Ukiah Municipal Airport located within the City of Ukiah.

Project Description: Adoption of the proposed Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP), which would supersede sections of the Mendocino County Airport Comprehensive Land Use Plan pertaining to the Ukiah Municipal Airport with a separate and distinct plan. The preparation of ALUCPs for public-use airports is required by the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq*.). The purpose of ALUCPs is to promote compatibility between an airport and the land uses in its vicinity to the extent that these areas have not already been devoted to incompatible uses.

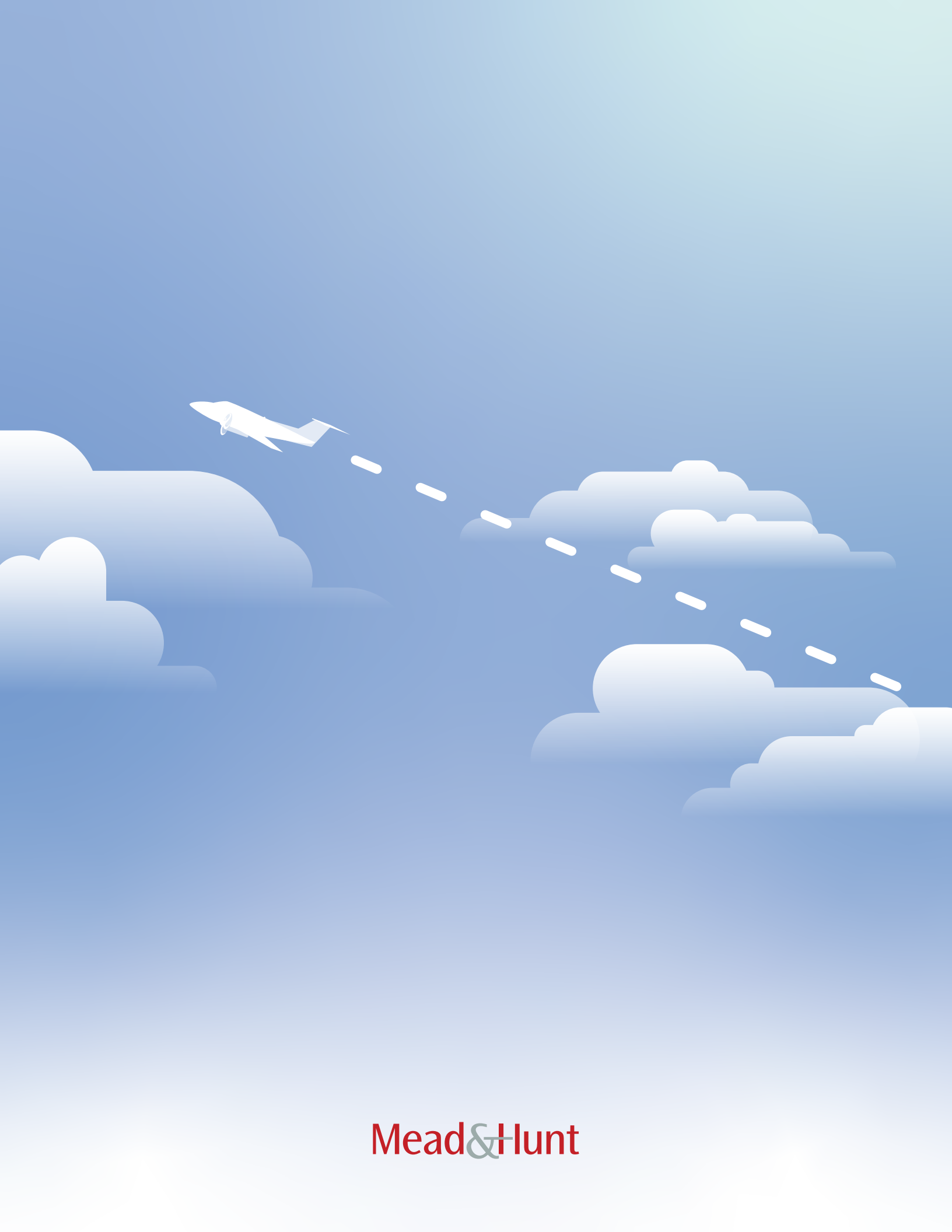
This is to advise that the County of Mendocino (Lead Agency) has approved the above described project on May 20, 2021 and has made the following determinations regarding the above described project.

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 project file, which includes the Negative Declaration, record of project approval, and all supporting materials, is available to the General Public at: Planning and Building Services, 860 N Bush Street, Ukiah, California 95482.

Signature (Public Agency): Julia Acker Krog Title: Assistant Director

Date: May 24, 2021 Date Received for filing at OPR:_____



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