

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Calaveras County Airport Land Use Compatibility Plan

Lead Agency: Calaveras County Airport Land Use Commission

Contact Person: Ms. Kathy Zancanella

Mailing Address: Rt. 3-3600 Carol Kennedy Drive

Phone: (209) 736-2501

City: San Andreas

Zip: 95249

County: Calaveras

Project Location: County: Calaveras

City/Nearest Community: San Andreas

Cross Streets: State Highway 49 and Carol Kennedy Drive

Zip Code: 95249

Longitude/Latitude (degrees, minutes and seconds): 38 ° 08 ' 46.0 " N / 120 ° 38 ' 53.4 " W Total Acres: 93 acres

Assessor's Parcel No.: 38-08-46.0190N / 120-38-53.4240W

Section: 20-21

Twp.: 4N

Range: 12E

Base: 83

Within 2 Miles: State Hwy #: State Hwy 49

Waterways: _____

Airports: Calaveras County Airport

Railways: _____

Schools: _____

Document Type:

CEQA: ☐ NOP

☐ Draft EIR

NEPA: ☐ NOI

Other: ☐ Joint Document

☐ Early Cons

☐ Supplement/Subsequent EIR

☐ EA

☐ Final Document

☒ Neg Dec

(Prior SCH No.) _____

☐ Draft EIS

☐ Other: _____

☐ Mit Neg Dec

Other: _____

☐ FONSI

Local Action Type:

☐ General Plan Update

☐ Specific Plan

☐ Rezone

☐ Annexation

☐ General Plan Amendment

☐ Master Plan

☐ Prezone

☐ Redevelopment

☐ General Plan Element

☐ Planned Unit Development

☐ Use Permit

☐ Coastal Permit

☐ Community Plan

☐ Site Plan

☐ Land Division (Subdivision, etc.)

☒ Other: ALUC Plan

Development Type:

☐ Residential: Units _____

Acres _____

☐ Office: Sq.ft. _____

Acres _____

Employees _____

☐ Transportation: Type _____

☐ Commercial: Sq.ft. _____

Acres _____

Employees _____

☐ Mining: Mineral _____

☐ Industrial: Sq.ft. _____

Acres _____

Employees _____

☐ Power: Type _____

MW _____

☐ Educational: _____

☐ Waste Treatment: Type _____

MGD _____

☐ Recreational: _____

☐ Hazardous Waste: Type _____

☐ Water Facilities: Type _____

MGD _____

☒ Other: None.

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☐ Fiscal

☒ Recreation/Parks

☒ Vegetation

☒ Agricultural Land

☒ Flood Plain/Flooding

☒ Schools/Universities

☒ Water Quality

☒ Air Quality

☒ Forest Land/Fire Hazard

☒ Septic Systems

☒ Water Supply/Groundwater

☒ Archeological/Historical

☒ Geologic/Seismic

☒ Sewer Capacity

☒ Wetland/Riparian

☒ Biological Resources

☒ Minerals

☒ Soil Erosion/Compaction/Grading

☒ Growth Inducement

☐ Coastal Zone

☒ Noise

☒ Solid Waste

☒ Land Use

☒ Drainage/Absorption

☒ Population/Housing Balance

☒ Toxic/Hazardous

☒ Cumulative Effects

☐ Economic/Jobs

☒ Public Services/Facilities

☒ Traffic/Circulation

☐ Other: _____

Present Land Use/Zoning/General Plan Designation:

Various: agricultural, mineral resource, single-family residential, commercial, and industrial.

Project Description: (please use a separate page if necessary)

The Calaveras County Airport Land Use Compatibility Plan (Compatibility Plan) establishes policies by which the Calaveras County Airport Land Use Commission (ALUC) operates and conducts compatibility reviews of proposed land use and airport development actions. It also specifies the compatibility criteria and policies applicable to new noise- and risk-sensitive land uses proposed within the Calaveras County Airport Influence Area. The basic function of the Compatibility Plan is to promote compatibility between the Airport and the land uses surrounding it to the extent that these areas have not already been devoted to incompatible uses. The project is regulatory in nature. No physical construction or land use changes would directly result from the adoption of the Compatibility Plan or from subsequent implementation of the land use policies it contains.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Emergency Services
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> Caltrans District # _____	<input type="checkbox"/> Parks & Recreation, Department of
<input checked="" type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Planning	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Central Valley Flood Protection Board	<input type="checkbox"/> Regional WQCB # _____
<input type="checkbox"/> Coachella Valley Mtns. Conservancy	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> S.F. Bay Conservation & Development Comm.
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> Santa Monica Mtns. Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Fish & Game Region # _____	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> Forestry and Fire Protection, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Health Services, Department of	
<input checked="" type="checkbox"/> Housing & Community Development	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Native American Heritage Commission	

Local Public Review Period (to be filled in by lead agency)

Starting Date May 1, 2010

Ending Date June 2, 2010

Lead Agency (Complete if applicable):

Consulting Firm: Mead & Hunt, Inc.

Address: 133 Aviation Boulevard, Suite 100

City/State/Zip: Santa Rosa, CA 95403

Contact: Maranda Thompson

Phone: 707-526-5010

Applicant: Calaveras County Airport Land Use Commission

Address: Rt. 3-3600 Carol Kennedy Drive

City/State/Zip: San Andreas, CA 95249

Phone: Contact: Kathy Zancanella (209) 736-2501

Signature of Lead Agency Representative: Kathy Zancanella

Date: 4/26/2010

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT
NEGATIVE DECLARATION
AND
INITIAL STUDY

Calaveras County Airport
Land Use Compatibility Plan



County of Calaveras
Airport Land Use Commission (ALUC)

Kathy Zancanella
ALUC Coordinator
Rt. 3-3600 Carol Kennedy Drive
San Andreas, CA 95249
Phone: (209) 736-2501

April 2010



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR THE

CALAVERAS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

Notice is hereby given that the Calaveras County Airport Land Use Commission (ALUC) intends to adopt a Negative Declaration for the proposed *Calaveras County Airport Land Use Compatibility Plan*. The project has been reviewed pursuant to the provisions of the California Environmental Quality Act (CEQA; Public Resources Code 21000, *et seq.*) and the State CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000 *et seq.*). The ALUC has made the determination under CEQA that the proposed project will not have a significant effect on the environment.

Project Name: *Calaveras County Airport Land Use Compatibility Plan*

Project Proponent

Calaveras County Airport Land Use Commission (ALUC)
Calaveras County, Calaveras County Airport
Rt. 3-3600 Carol Kennedy Drive
San Andreas, CA 95249

Project Location

Calaveras County Airport/Maury Rasmussen Field (the Airport) is located within an unincorporated area of west-central Calaveras County, California, 4 miles southeast of San Andreas, the County seat, and 8 miles northwest of Angel City, also known as Angels Camp. San Andreas is an unincorporated community of approximately 3,000 residents. The Airport site is situated at an elevation of 1,328 feet above Mean Sea Level (MSL), on a ridgeline of the Sierra Nevada foothills. Hogback Ridge is located to the west, and its highest point, Joaquin Peak (2,800 feet MSL), is within 2 miles of the Airport. The Airport Influence Area (AIA) associated with this *Calaveras County Airport Land Use Compatibility Plan* includes unincorporated lands of Calaveras County (see **Figure 1**).

Project Description

The Calaveras County Airport Land Use Commission (ALUC) has prepared the proposed *Calaveras County Airport Land Use Compatibility Plan (Compatibility Plan)* to replace the earlier plan—*Calaveras County Airport Land Use Plan*—which the ALUC adopted for the Airport in 1991. The earlier plan was incorporated into the County's General Plan as the Airport Special Plan in 1992.

The basic function of this *Compatibility Plan* is to promote compatibility between the Airport and the land uses surrounding it to the extent that these areas have not already been devoted to incompatible uses. The *Compatibility Plan* consists of three chapters and a set of appendices. The introductory chapter sets the overall context of airport land use compatibility planning in general and for Calaveras County Airport in particular. The second chapter contains the policies by which the ALUC operates and conducts compatibility reviews of proposed land use and airport development actions. It also specifies the compatibility criteria and policies applicable to new noise- and risk-sensitive land uses proposed within the AIA. The third chapter serves to document the data and assumptions upon which the compatibility policy maps for the Airport are based. The appendices include general information pertaining to airport land use compatibility planning and do not represent ALUC policy, except where cited as such in the *Compatibility Plan*.

The compatibility criteria and policies established by this *Compatibility Plan* are intended to be reflected in the plans and other policy instruments adopted by Calaveras County, as the only general purpose government entity having jurisdiction over land uses near the Airport. In accordance with State law, Calaveras County will need to

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
FOR THE CALAVERAS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

incorporate certain criteria and procedural policies from the *Compatibility Plan* into its General Plan, Airport Special Plan, and zoning ordinance, to assure that future land use development will be compatible with aircraft operations. No major changes to current land use designations have been found to be necessary. The County also has the option of taking steps defined in state law to overrule the ALUC action.

The proposed *Compatibility Plan* is prepared in accordance with requirements of the California State Aeronautics Act (Public Utilities Code Sections 21670 et seq.). In preparation of the plan, the ALUC and its consultants have been guided by the California Airport Land Use Planning Handbook published by the California Division of Aeronautics as required by State law (Public Utilities Code Section 21674.7). As further provided by State law (Public Utilities Code Section 21675(a)), the proposed *Compatibility Plan* is based upon the *Long-range Airport Layout Plan* drawing for Calaveras County Airport as adopted by the Board of Supervisors and approved by the Federal Aviation Administration (FAA) in 2004. The project is regulatory in nature. No physical construction or land use changes would directly result from the adoption of the *Compatibility Plan* or from subsequent implementation of the land use policies it contains.

The *Compatibility Plan* does not propose any construction or land use changes, nor does it have the potential to directly affect any site identified on the lists enumerated under Section 65962.5 of the Government Code (commonly referred to as the "Cortese List") including, but not limited to, hazard waste facilities, land designated as hazardous waste property, or hazardous waste disposal sites.

Public Review and Comment

Interested parties are invited to comment on the *Compatibility Plan* and the Initial Study/Negative Declaration. The public comment period will run from May 1, 2010 to June 2, 2010. A hard copy of the *Compatibility Plan* and Initial Study/Negative Declaration are available for public review at:

County of Calaveras Calaveras County Airport Rt. 3-3600 Carol Kennedy Drive San Andreas, CA 95249	County of Calaveras Planning Department 891 Mountain Ranch Road San Andreas, CA 95249	Calaveras County Library San Andreas Central Library 1299 Gold Hunter Road San Andreas, CA 95249
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Written comments regarding the proposed *Compatibility Plan* and Initial Study/Negative Declaration must be received by the ALUC Coordinator by 5:00 p.m. on June 2, 2010. All written comments should be sent to:

Ms. Kathy Zancanella, ALUC Coordinator
Rt. 3-3600, Carol Kennedy Drive
San Andreas, CA 95249

Scheduled Public Hearing

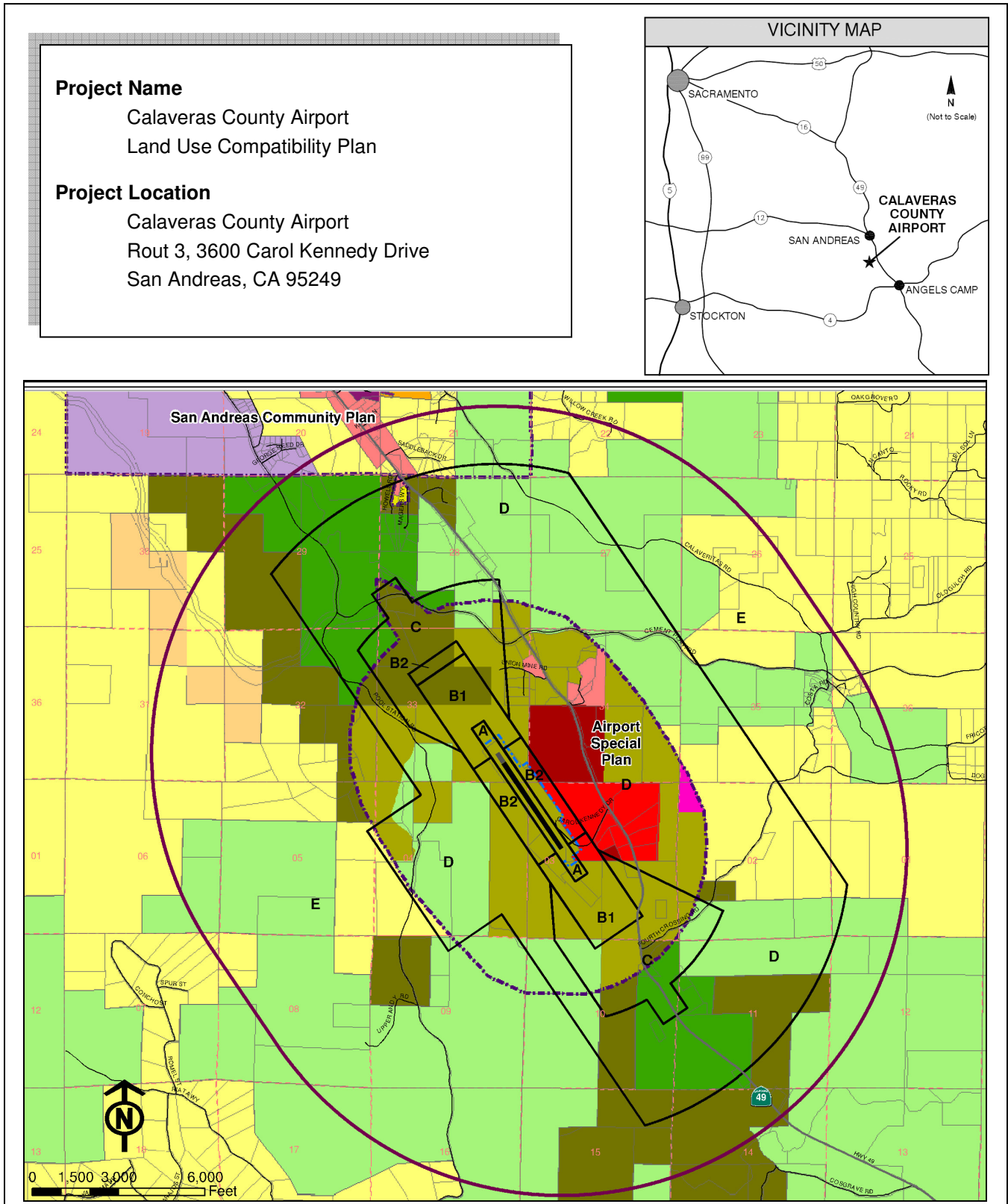
The Initial Study/Negative Declaration will be presented to the Airport Land Use Commission at its scheduled meeting on June 2, 2010 at 5:00 p.m. The agenda will include a public hearing, during which time the public may offer comments. The meeting will be held at:

Board of Supervisors Chambers
891 Mountain Ranch Road
San Andreas, CA 95249-9709

Failure to comment in writing will not preclude members of the public with their right to testify at the public hearing.

Signed: Kathy Zancanella
Title: ALUC Coordinator

Date: 4/26/2010



NEGATIVE DECLARATION FOR THE CALAVERAS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

The Calaveras County Airport Land Use Commission (ALUC) has reviewed the project described below under the California Environmental Quality Act (CEQA). Based on the results of an Initial Study, the Commission has determined that the proposed project could not have a significant effect on the environment. Pursuant to Title 14, Division 6, Chapter 3, Article 6, Sections 15070 and 15071 of the California Code of Regulations, this Negative Declaration has been prepared for public review and for filing with the State of California.

1. TITLE AND SHORT DESCRIPTION OF THE PROJECT: *The Calaveras County Airport Land Use Compatibility Plan (Compatibility Plan)*

The Calaveras County ALUC has prepared an *Airport Land Use Compatibility Plan (Compatibility Plan)* for the Calaveras County Airport/Maury Rasmussen Field (the Airport) to replace an earlier plan adopted in 1991. The previous plan, known as the “Calaveras County Airport Land Use Plan,” was incorporated into the County’s General Plan in 1992 as the “Airport Special Plan”. The proposed *Compatibility Plan* has been prepared in accordance with the requirements of the California State Aeronautics Act (Public Utilities Code Sections 21670 *et seq.*). Preparation of the plan was guided by the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics, as required by state law (Public Utilities Code Section 21674.7).

The project is regulatory in nature. No physical construction or land use changes would directly result from the adoption of the *Compatibility Plan* or from subsequent implementation of the land use policies it contains. The *Compatibility Plan* provides a set of policies for use by the ALUC in evaluating the compatibility between future proposals for land use development in the vicinity of the Calaveras County Airport and the potential long-range aircraft activity at the Airport. The compatibility criteria defined by the policies are also intended to be reflected in other plans and policy instruments adopted by Calaveras County, which is the government entity having primary jurisdiction over land uses near the Airport. As described in the *Compatibility Plan*, Calaveras County will need to incorporate certain criteria and procedural policies from the *Compatibility Plan* into its General Plan, Airport Special Plan, and zoning ordinance to assure that future land use development will be compatible with aircraft operations. No major changes to current land use designations were identified.

2. LOCATION OF PROJECT

The Calaveras County Airport/Maury Rasmussen Field is located in an unincorporated area of west-central Calaveras County, California, 4 miles southeast of the unincorporated community of San Andreas and 8 miles northwest of the incorporated City of Angels City, also known as Angels Camp. Portions of the Airport property (approximately 10 acres) are owned by the U.S. Bureau of Land Management and leased to the County. Existing land uses around the Airport consist mostly of open rangelands. The project location and the location of the proposed Airport Influence Area (AIA) are shown in the attached Initial Study, **Figure 1**.

All of the land within the Airport Influence Area (AIA), as identified in the proposed *Compatibility Plan*, lies within the unincorporated area of Calaveras County. Land use decisions in this vicinity are guided by the County's 1996 General Plan as amended (May 2005), the adopted Airport Special Plan (1992), and the adopted San Andreas Community Plan (1988).

3. PROJECT PROPONENT: Calaveras County Airport Land Use Commission (ALUC)

4. MITIGATION MEASURES INCLUDED IN THE PROJECT

No mitigation measures are required for the proposed project. The project is regulatory in nature. No physical construction or land use changes would directly result from the adoption of the *Calaveras County Airport Land Use Compatibility Plan* or from subsequent implementation of the land use restrictions and policies.

5. PROPOSED FINDING

The Calaveras County Airport Land Use Commission (ALUC) finds that the proposed project – the adoption and subsequent implementation of the *Calaveras County Airport Land Use Compatibility Plan* – will not result in a significant effect on the environment as defined by CEQA and, therefore, the ALUC hereby intends to adopt this negative declaration for the proposed project.

INITIAL STUDY FOR THE CALAVERAS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

PROJECT INFORMATION

1. Project Title:

Calaveras County Airport Land Use Compatibility Plan

2. Lead Agency Name and Address:

Calaveras County Airport Land Use Commission
County of Calaveras, Calaveras County Airport
Rt. 3-3600 Carol Kennedy Drive
San Andreas, CA 95249

3. Contact Person and Phone Number:

Ms. Kathy Zancanella
Airport Manager, ALUC Coordinator
(209) 736-2501

4. Project Sponsor Name and Address:

(See Lead Agency above)

5. Project Location:

The *Calaveras County Airport Land Use Compatibility Plan* (ALUCP) applies to land use planning and future development within the environs of the Calaveras County Airport. The plan defines the affected locations as the airport influence area. A Compatibility Map depicting the proposed boundary of the airport's influence area is included in the plan document. The airport influence area extends roughly 2 miles from the airport's runway ends and runway centerline. This influence area solely encompasses unincorporated lands within the County of Calaveras.

Although portions of the airport influence area affect lands within the jurisdiction of the U.S. Bureau of Land Management, the authority of the Calaveras County Airport Land Use Commission does not extend to federal lands. The unincorporated community of San Andreas lies just beyond the northerly limits of the airport influence area. The City of Angels City is located approximately 4 miles south of the southern edge of the airport influence area. These communities are not currently affected by the Calaveras County ALUCP, but would be if future incorporation or annexation were to include lands within the airport influence area.

6. General Plan Designation: Various

7. Zoning: Various

8. Description of Project:

The *Calaveras County Airport Land Use Compatibility Plan* is to be adopted by the Calaveras County Airport Land Use Commission (ALUC). The ALUCP will replace the earlier plan—*Calaveras County Airport Land Use Plan*—which the ALUC (at that time, a designated body served as the ALUC) adopted for the airport in 1991. In 1992, the *Calaveras County Airport Land Use Plan* was

incorporated into the County's General Plan as the Airport Special Plan. The proposed plan is prepared in accordance with requirements of the California State Aeronautics Act (Public Utilities Code Sections 21670 et seq.). In preparation of the plan, the Commission and its consultants have been guided by the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics as required by state law (Public Utilities Code Section 21674.7). As further provided by state law (Public Utilities Code Section 21675(a)), the proposed *Compatibility Plan* is based upon the long-range airport layout plan drawing for Calaveras County Airport as adopted by the Board of Supervisors and approved by the Federal Aviation Administration (FAA) in 2004.

The *Compatibility Plan* provides a set of policies for use by the ALUC in evaluating the compatibility between future proposals for land use development in the vicinity of Calaveras County Airport and the potential long-range aircraft activity at the airport. The compatibility criteria defined by the policies are also intended to be reflected in the plans and other policy instruments adopted by Calaveras County as the only general purpose government entity having jurisdiction over land uses near the airport. As described in the *Compatibility Plan* and later in this document, Calaveras County will need to incorporate certain criteria and procedural policies from the *Compatibility Plan* into its General Plan, Airport Special Plan, and zoning ordinance, to assure that future land use development will be compatible with aircraft operations. No major changes to current land use designations have been found to be necessary. The County also has the option of taking steps defined in state law to overrule the ALUC action.

A copy of the *Compatibility Plan* is provided in Appendix A.

9. Surrounding Land Uses and Setting:

Calaveras County Airport is located within an unincorporated area of west-central Calaveras County, California, 4 miles southeast of the unincorporated community of San Andreas and 8 miles northwest of the incorporated City of Angels City, also known as Angels Camp. Portions of the Airport property (approximately 10 acres) is owned by the U.S. Bureau of Land Management and leased to the County. Existing land uses around Calaveras County Airport consist mostly of open rangelands. Residential uses are widely scattered except to the north along Highway 49 at the edge of San Andreas. A few commercial and industrial uses are located south and east of the airport. Unimproved mining lands are located to the west.

All of the land within the vicinity of the airport lies within the unincorporated area of Calaveras County. Land use decisions are guided by the County's 1996 General Plan which was last amended in May 2005, the Airport Special Plan adopted in 1992, and the San Andreas Community Plan adopted in 1988. These plans' land use designations for the areas surrounding the airport largely match the uses that currently exist. Land uses designations include Agricultural Preserve, Mineral Resource, Commercial, and Industrial. Very-low-density residential uses are permitted within the airport environs. Calaveras County is in the process of updating its General Plan. Adoption of the new General Plan is anticipated late in 2009.

10. Agencies Whose Approval is Required:

Although input from various entities is necessary, the Calaveras County Airport Land Use Commission can adopt the *Calaveras County Airport Land Use Compatibility Plan* without formal approval from any other agency, either state or local. However, a copy of the plan must be submitted to the California Division of Aeronautics (Public Utilities Code Section 21675(d)). The Division is required by state law (Public Utilities Code Section 21675(e)) to assess whether the plan includes the matters that must be included pursuant to the statutes and to notify the ALUC of any deficiencies. Also a statutory requirement is that the ALUC establish (or revise) planning boundaries (the airport influence area) only after "hearing and consultation with involved agencies" (Public Utilities Code 21675(c)).

Beyond these requirements, an important consideration is that implementation of the *Compatibility Plan* policies can only be accomplished by the local jurisdiction(s) that have authority over land use within the airport influence area: specifically, the County of Calaveras. State statutes require the County to make its General Plan consistent with the *Compatibility Plan* within 180 days or to overrule the ALUC. Among other things, the overrule procedure requires formal findings that the jurisdiction's action is consistent with the intent of the state airport land use compatibility planning statutes and action by a two-thirds vote of the jurisdiction's governing body.

11. Environmental Factors Potentially Affected:

General Comment

The project is regulatory in nature. No physical construction would result from the adoption of the *Calaveras County Airport Land Use Compatibility Plan* or from subsequent implementation of the land use restrictions and policies. Although the *Compatibility Plan* would influence future land use development in the vicinity of the airport, it is speculative to anticipate the specific characteristics of that development or the types of environmental impacts that would be associated with it. One possibility is that land uses in much of the airport environs would remain unchanged from present conditions. On the other hand, the *Compatibility Plan* neither precludes new development near the airport nor dictates the type of land uses that are allowed. The *Compatibility Plan* merely limits the density, intensity, and height of the uses so as to avoid creation of noise and safety compatibility conflicts with airport activities. Also, state law establishes a procedure by which affected local jurisdictions can overrule the compatibility policies set forth in the plan.

As indicated in Table 1 below, no environmental categories would be affected by this project to the extent of having a "Potentially Significant Impact." Nearly all categories have "No Impact." The few that have a "Less than Significant Impact" are discussed following each of the checklist sections beginning on page 7, as are the "No Impact" determinations that warrant some explanation.

Table 1
SUMMARY OF ENVIRONMENTAL IMPACTS

CATEGORY		ANALYSIS SUMMARY (See individual pages for details)					
		Pg	Potentially Significant Impact				
			Less than Significant Impact with Project Mitigation				
			Less than Significant Impact				
			No Impact				
		Comments*					
I	AESTHETICS	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
II	AGRICULTURE RESOURCES	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
III	AIR QUALITY	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
IV	BIOLOGICAL RESOURCES	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
V	CULTURAL RESOURCES	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
VI	GEOLOGY/SOILS	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
VII	GREENHOUSE GAS EMISSIONS	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
VIII	HAZARDS/ HAZARDOUS MATERIALS	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e) Aircraft accident risks addressed
VIV	HYDROLOGY/ WATER QUALITY	12	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
X	LAND USE/ PLANNING	13	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Limited additional land use restrictions beyond those in adopted County plans and policies
XI	MINERAL RESOURCES	15	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XII	NOISE	16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	e) Plan limits exposure of people to noise, but does not regulate aircraft
XIII	POPULATION/HOUSING	17	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	a) Negligible potential for displacement of future development b, c) No existing housing would be displaced
XIV	PUBLIC SERVICES	17	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	a) No effect on schools; negligible effect on government staff workloads
XV	RECREATION	18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XVI	TRANSPORTATION/TRAFFIC	18	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	c) Plan does not regulate air traffic
XVII	UTILITIES/SERVICE SYSTEMS	19	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
XVIII	MANDATORY FINDINGS OF SIGNIFICANCE	20	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	b) No cumulative impacts
							* Also see General Comment on page 3.

CALAVERAS COUNTY AIRPORT LAND USE COMPATIBILITY PLAN
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) INITIAL STUDY

DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: Kathy Zancanella
Printed Name: KATHY ZANCANELLA

Date: 4/26/2010

For Calaveras County Airport Land Use Commission

SOURCE LIST

The following references are cited by number in the text that follows each topic below for the Initial Study.

1. California, State of. Department of Transportation. Division of Aeronautics. *California Airport Land Use Planning Handbook*. January 2002.
2. Calaveras, County of. *Calaveras County General Plan*. Adopted by Board of Supervisors December 9, 1996.
3. Calaveras, County of. *Airport Special Plan*. Adopted by Board of Supervisors, October 19, 1992.
4. Calaveras County Airport Land Use Commission. *Calaveras County Airport Land Use Plan*. Adopted July 30, 1991.

CEQA INITIAL STUDY CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS.				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURAL RESOURCES.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3. Furthermore, land use compatibility policies in the *Compatibility Plan* favor continuation of agricultural land uses in the vicinity of Calaveras County Airport.

Mitigation:

None required.

III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

IV. BIOLOGICAL RESOURCES.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

See General Comment on page 3.

Mitigation:

None required.

V. CULTURAL RESOURCES.

Would the project:

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|--|------------------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

See General Comment on page 3.

Mitigation:

None required.

VI. GEOLOGY AND SOILS.

Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS.

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a), b), c), d), f), g), h) See General Comment on page 3.

e) The *Compatibility Plan* establishes the criteria by which safety hazards referred to in this topic would be evaluated. These criteria reduce the risk of exposure to the hazards of an off-airport aircraft accident by limiting residential densities and concentrations of people in locations near Calaveras County Airport. The risks of aircraft accident occurrence are reduced by policies limiting the height of structures, trees, and other objects that might penetrate airport airspace as defined by Federal Aviation Regulations, Part 77.

The proposed plan utilizes aircraft accident risk data from the *California Airport Land Use Planning Handbook* that was not available at the time the 1991 *Calaveras County Airport Land Use Plan* was prepared. The new data indicates that a low to moderate risk level is present in areas beyond those addressed in the 1991 plan. Accordingly, the proposed plan includes some restrictions on the intensity of land use development over a wider area than is covered by the 1991 plan.

Mitigation:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HYDROLOGY AND WATER QUALITY.				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

X. LAND USE AND PLANNING.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a) See General Comment on page 3.

b) State law (Government Code Section 65302.3) requires each local government having jurisdiction over land use within locations addressed by an airport land use compatibility plan to modify its general plan and any applicable specific plan for consistency with the compatibility plan (or to go through the special process required to overrule the airport land use commission). With regard to the *Calaveras County Airport Land Use Compatibility Plan*, this requirement would apply to the County of Calaveras as the only general purpose government entity having land use jurisdiction in the airport influence area.

Figure 1 depicts the land use designations shown in the County's adopted 1996 General Plan and 1992 Airport Special Plan. Overlaid on the map are the compatibility zones contained in the proposed *Compatibility Plan*. Analysis of the adopted land use designations indicates that none are in direct conflict with the *Compatibility Plan* criteria. That is, there are no locations where development of the types indicated by the General Plan or Special Plan would be outright prohibited by the *Compatibility Plan*. Nevertheless, the *Compatibility Plan* would apply criteria that may necessitate restricting future land use development to a residential density (dwelling units per acre) or non-residential usage intensity (people per acre) that is less than the adopted plans and associated zoning would allow.

The nature of the added limitations can be summarized as follows:

- **Compatibility Zone A:** The *Compatibility Plan* would prohibit all development other than airport runway and taxiway related functions. These criteria match those established by the Federal Aviation Administration for airport design. Also, the Airport Special Plan states that "no structures above the surface, uses attracting persons, or uses attracting large numbers of birds shall be permitted in the Clear Zones." (Clear zones are now known as runway protection zones.) Most of Zone A is on airport property. Some land within the runway protection zones at each end of the runway is not owned by the County, but these areas are steeply sloped and not developable. The effect of the *Compatibility Plan* on land use development in Zone A would be essentially nil and no different than under the adopted Airport Special Plan.
- **Compatibility Zone B1:** This zone surrounds Compatibility Zone A at each end of the runway, extending 3,500 feet from the runway ends. In the 1992 Airport Special Plan, most of the area is designated as "Mineral Resource Area" with 10-acre or 20-acre minimum parcel sizes. Smaller areas carry "Commercial or Industrial" or "Agricultural Preserve" designations. County zoning applies an "Air-

port Overflight and Noise Impact Combining Zone” designation to lands in this area thus ensuring compliance with compatibility criteria set in the Airport Special Plan. Most of the land in Zone B1 falls within the Approach Zones defined in the Special Plan. Criteria in the draft *Compatibility Plan* are more precisely defined than those in the Airport Special Plan, but generally are not more restrictive. With regard to residential uses, for example, the *Compatibility Plan* will preclude creation of new parcels unless the land division is done in a manner that would place the dwelling site outside the Zone B1 boundaries (as well as outside Zones A and B2). A new dwelling can be constructed in Zone B1 only if the parcel is already legally existing and no building site is available outside of the zone. Nonresidential development will be limited to uses having an average of no more than 30 people per acre, slightly higher than the 25 people per acre allowed in Approach Zones by the Special Plan. The net effect is that the *Compatibility Plan* would add little or no restrictions on land uses within Zone B1 beyond the Approach Zone limitations established by the Airport Special Plan and County zoning. For those locations with Zone B1 that fall within the current Overflight Zone rather than the Approach Zones, the additional restrictions would be somewhat greater than in the Special Plan, but the underlying Mineral Resource Area designation in the General Plan and Residential Agriculture and Agriculture Preserve zoning largely precludes development that would conflict with the *Compatibility Plan*.

- Compatibility Zone B2: Zone B2 lies adjacent to the runway with an additional small piece north of Zone B1. In the Airport Special Plan, the former areas are part of the Overflight Zone and the latter is within an Approach Zone. Airport Special Plan land use designations for these areas are mostly “Mineral Resource Area” with 10-acre or 20-acre density limits. Smaller areas adjacent to the airport property on the east are designated “Commercial or Industrial” and “Commercial or Mineral Resource Area” with 10-acre density. The draft *Compatibility Plan* criteria for Zone B2 are the same as Zone B1 with respect to residential development. For nonresidential uses, Zone B2 allows up to 80 people per acre. The Zone B2 criteria are potentially slightly more restrictive than the Special Plan criteria for the Overflight Zone. However, most of the affected locations are steeply sloped, thus preventing intensive development that would conflict with the proposed criteria. On the whole, the Zone B2 criteria would not add any significant new restrictions on development of the affected property.
- Compatibility Zone C: Areas up to 7,000 feet from the runway ends along the runway approaches and beneath where aircraft make turns on approaches or departures are in the proposed Compatibility Zone C. New residential development at a density of up to one dwelling unit per 10 acres would be allowed in this zone. The proposed intensity limit for nonresidential uses is 60 people per acre. Existing land use criteria for lands within Zone C are set by the Airport Special Plan for locations within 5,000 feet of the runway ends and by the General Plan for the remaining area. Land use designations are “Mineral Resource Area,” “Agriculture Preserve,” and “Timberlands, all with minimum 10-acre or larger parcel sizes. These designations are consistent with the draft *Compatibility Plan* criteria with respect to allowable residential development. For nonresidential uses, the proposed 60-people-per-acre intensity limit would be more restrictive than current General Plan, Special Plan, or zoning criteria except within the Approach Zone. However, given other policy and practical limitations on development in these locations, the types of new development that realistically might occur there would fall within the proposed intensity criterion. The effect of the *Compatibility Plan* would thus be insignificant.
- Compatibility Zone D: Remaining areas beneath the primary traffic patterns and the west-side aerobatics flight area are proposed to be contained within Compatibility Zone D. Residential development within this zone would be allowed to have a density up to one dwelling unit per 5 acres. Most nonresidential uses would be permitted except for high-risk uses such as schools and high-intensity uses having more than 200 people per acre. All of the General Plan and Airport Special plan land use designations noted above are found in this area and none conflict with the proposed criteria. Additionally, a small sliver of Zone D north of the airport falls within the San Andreas Community Plan bounda-

ries. Zoning is mostly Agriculture Preserve with a small, already developed, area designated Rural Residential with 3-acre minimum parcels. No new development likely to occur in Zone D would exceed the proposed density or intensity criteria.

- Compatibility Zone E: Outer portions of the airport influence area extending 12,000 feet from the runway are proposed to be in Compatibility Zone E. Major assembly uses containing more than 1,000 people are not advised in this zone, but development is not otherwise restricted. The proposed criteria would not conflict with land use designations in adopted plans or zoning.

In addition to density and intensity restrictions on land use development as outlined above, the *Compatibility Plan* includes height limitations on structures and other objects. The proposed criteria are derived from standards set by federal and state regulations and are the same as implemented within Chapter 17.62 of the Calaveras County Zoning Ordinance.

The final category of criteria proposed in the *Compatibility Plan* address aircraft overflight issues. Overflight policies do not establish restrictions on land use development. Rather, they provide for dedication of an aviation easement or a recording of an overflight notification as a condition for certain new development in the major portion of the airport influence area. In the remaining area—Compatibility Zone E—the *Compatibility Plan* requires real estate transfer disclosure be provided in conjunction with new development. The plan also recommends, but does not require, that the airport influence area serve as the boundary of the area within which disclosure of the airport proximity be provided as part of the transfer process for existing residential property.

In sum, the proposed *Compatibility Plan* would not conflict with the currently adopted plans of Calaveras County. However, the County plans and zoning ordinance should be amended to incorporate the more detailed intensity limits on nonresidential development set forth in the *Compatibility Plan*. The impacts of these modifications are environmentally less than significant.

Mitigation:

None required.

XI. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. NOISE.				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a), b), c), d), f) See General Comment on page 3.

e) The *Compatibility Plan* establishes criteria that reduce the potential exposure of people to excessive aircraft-related noise by limiting residential densities and concentrations of people in locations near Calaveras County Airport. Airport noise and its impacts on land uses are factors in the proposed compatibility criteria and in definition of the compatibility zones included in the plan. As required by state law, the noise contours reflect the long-term (beyond 20 years) potential noise impacts of the airport. Compared to contours included in the 1991 compatibility plan which it would replace, the contours in the proposed plan are smaller except lateral to the runway. The applicable criteria are similar or more restrictive, however. The net effect is that the noise compatibility assurance provided by the proposed plan is comparable to that of the existing plan.

The *Compatibility Plan* does not regulate the operation of aircraft or the noise produced by that activity. State law explicitly denies the ALUC authority over such matters. The future noise contours and the plan policies derived in part from them reflect where airport guidelines indicate aircraft should fly for noise abatement and safety reasons, but with recognition that not all aircraft fly the prescribed routes.

Mitigation:

None required.

XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a) The *Compatibility Plan* does not directly or indirectly induce population growth either regionally or locally. In fact, its provisions limit the location, distribution, and density of residential and nonresidential land uses in the airport's environs to minimize potential noise impacts and safety concerns. These limitations can have the potential of displacing new development to locations outside the airport influence area. In the case of the Calaveras County Airport influence area, however, adopted County plans and zoning—as noted in Section IX regarding Land Use and Planning—largely establish the same or greater limitations on development. The potential for displacement of future development as a result of adoption and implementation of the *Compatibility Plan* is less than significant.

b), c) No housing or people will be displaced as a result of the plan's adoption. The *Compatibility Plan* does not apply to existing housing. Moreover, it explicitly allows construction of single-family houses on legal lots of record where such uses are permitted by local land use regulations. Also see General Comment on page 3.

Mitigation:

None required.

XIV. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities/services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

iii) *Schools:* The *Compatibility Plan* prohibits new schools within much of the influence area of Calaveras County Airport. The *Compatibility Plan* does not affect existing schools or their expansion on existing school property. The restriction is intended as a means of avoiding future noise and safety compatibility conflicts between aviation activity and school uses. No existing schools lie within the airport influence area and none are proposed or known to be under consideration.

v) *Other Public Facilities/Services:* Adoption of a compatibility plan often creates a temporary increase in the staff workloads of affected land use jurisdictions as a result of the requirement to modify local general plans for consistency with the compatibility plan. In the case of Calaveras County, though, a general plan update is already in process and the minor amount of additional material that will be need to be included to bring the new plan into consistency with the *Compatibility Plan* will not have a significant effect on staff or consultant workload. Over the long term, procedural policies included in the *Compatibility Plan* are intended to simplify and clarify the ALUC project review process and thus reduce workload both for ALUC staff and County staff.

Mitigation:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

See General Comment on page 3.

Mitigation:

None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC.				
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency or designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a), b),d), e), f), g) See General Comment on page 3.

c) The *Compatibility Plan* has no authority over the operation or air traffic, although it does include policies for review of certain aspects of proposed airport development that could have off-airport compatibility implications.

Mitigation:

None required.

XVII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion:

See General Comment on page 3.

Mitigation:

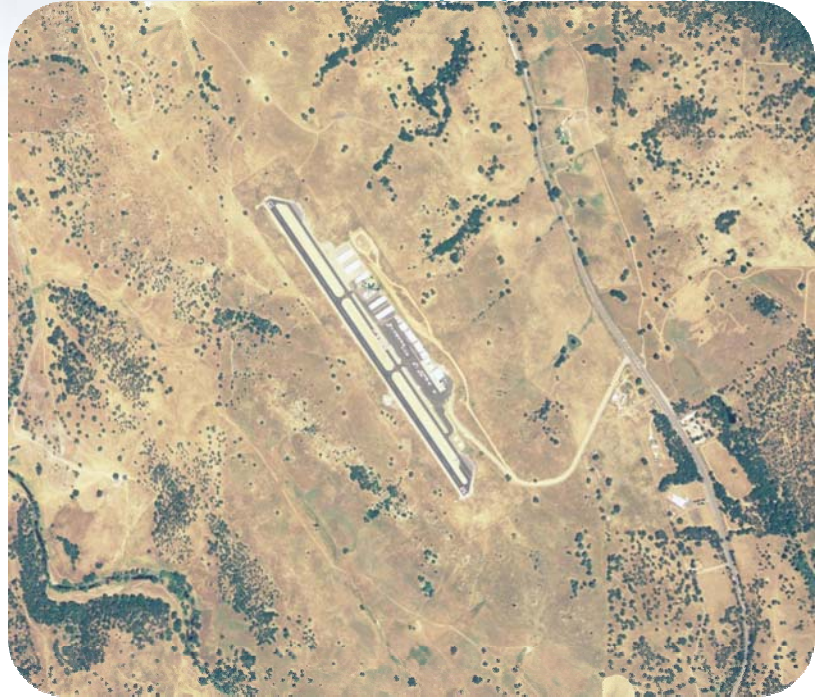
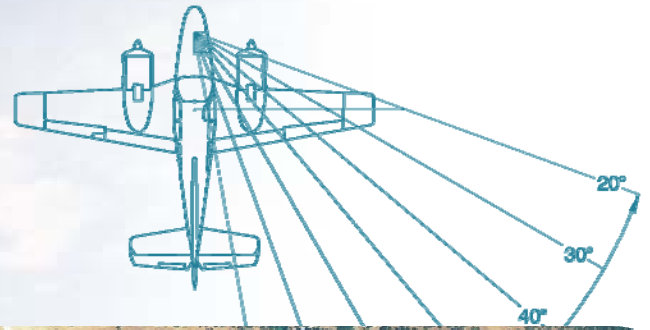
None required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a), c) See General Comment on page 3.

b) Because the *Compatibility Plan* is regulatory and restrictive in nature and will not cause any physical development to occur, it has no potential to create cumulatively significant environmental impacts. Rather, the *Compatibility Plan* addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development that other public entities or private parties may propose for the vicinity of Calaveras County Airport. Without adoption of the *Compatibility Plan*, the adverse impacts—both to airport functionality and to community livability—of allowing incompatible development to occur may be individually limited, but cumulatively considerable. The *Compatibility Plan* thus, in effect, serves as a mitigation plan designed to avoid impacts that might otherwise be cumulatively significant.



Calaveras County Airport Land Use Compatibility Plan



January 2009 Draft
(Revised May 2009)

Calaveras County Airport Land Use Compatibility Plan



January 2009 Draft

NOTE

This draft is an update of the January 2009 preliminary draft. Revised pages include the May 2009 date on the page footers. Unchanged pages retain their previous January 2009 date.

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Below is a list of revisions to the draft *Calaveras County Airport Land Use Compatibility Plan* dated January 2009. Additions are shown underlined; deletions in ~~strikeout~~. Only substantive changes are listed here; if necessary, minor typographical corrections were also be made prior to printing of the final document.

CHAPTER 1, INTRODUCTION

Compatibility Planning for Calaveras County Airport

First paragraph, last sentence: Revised to reflect the correct composition of the previous Airport Land Use Commission (ALUC) per Resolution No. 92-432.

Previously, the County Board of Supervisors appointed a designated body consisting of five persons to act as the ALUC, following the designated body provisions of the Public Utilities Code. The members of the designated body included the Planning Commissioner from the Supervisorial District in which the airport is located, one representing the County airport Administrator's Office, one representing the City of Angels (appointed by the City Council), and two from the general public with expertise in aviation.

Second paragraph, last sentence: Revised to reflect department name change.

Although, as noted above, the ALUC is an independent body, it operates under the auspices of the County of Calaveras. Staff for the ALUC is provided by the County Planning Department of Community Development.

Relationship to Airport Master Plans

Last paragraph, highlighted note: Removed to reflect approval of the 2004 Calaveras County Airport Layout Plan for compatibility planning purposes by the California Division of Aeronautics on May 7, 2009.

CHAPTER 2, POLICIES

3.3 Specific Policies for Safety Compatibility

Policy 3.3.1(b), table reference: Revised to reflect Table 1 instead of Table 2.

The maximum allowable residential densities indicated in Table 2 1 are intended to include density bonuses and any 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. The overall density of a development project, including any bonuses or allowances, must comply with the allowable density criteria in Table 2 1.

Policy 3.3.3: Deleted and content moved to Policy 3.3.2(a).

Policy 3.4.2(a)(1): Replaced "buildings" with "structures."

Policy 3.5.1: Revised as follows:

Recorded Overflight Notification: As a condition for local agency approval of residential land use development within the airport influence area indicated on Map 1, an overflight notification shall be recorded.

Policy 3.5.1(c): Revised as follows:

A separate recorded overflight notification is not required where an avigation easement is provided (i.e., within portions of Compatibility Zones D and E that also fall within the High Terrain Zone or beneath a FAR Part 77 approach or transitional surface).

Policy 3.5.2: Revised as follows:

- (a) The disclosure provisions of state law as described in Policy 5.4.4 are deemed mandatory for *new residential* development and shall continue in effect as ~~ALUC a~~ policy of this *Compatibility Plan* even if the state law is made less stringent or rescinded. The disclosure language to be used shall be as indicated in state law.
- (b) Although not required by state law, the policy of ~~ALUC~~ this *Compatibility Plan* is that airport proximity disclosure should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential or nonresidential ~~private~~ property within the Calaveras County Airport influence area; ~~especially any sale, lease, or rental of residential property.~~
- (c) ~~ALUC policy is that signs~~ Signs providing airport proximity notice should be prominently posted in the appropriate county offices as well as in the real estate sales office and/or other key locations at any new development within the airport influence area.

Policy 5.2.4: Revised as follows:

Land Uses of Special Concern: Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern and the nature of the concern are listed below. Table 1 indicates 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, i.e., allowed only if an alternative site outside the zone would not serve the intended function. 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.

Policy 5.3.1: Revised as follows:

Policy Objective: Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur. ~~Such hazards may be physical, visual, or electronic.~~

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Chapter 1

Introduction



Introduction

OVERVIEW OF THE PLAN

As adopted by the Calaveras County Airport Land Use Commission (ALUC), the basic function of this *Calaveras County Airport Land Use Compatibility Plan* is to promote compatibility between Calaveras County Airport and the land uses surrounding it to the extent that these areas have not already been devoted to incompatible uses. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to new development around the airport. Neither this *Compatibility Plan* nor the ALUC have authority over existing land uses or over operation of the airport.

Geographically, the *Compatibility Plan* pertains to lands within the jurisdiction of the County of Calaveras. Any city, special district, community college district, or school district that exists or may be established or expanded into the Calaveras County Airport influence area defined in the *Compatibility Plan* are also subject to the provisions of the plan, as are state agencies. The authority of the ALUC does not extend to federal or tribal lands.

AIRPORT LAND USE COMPATIBILITY PLANNING

The creation of airport land use commissions and the preparation of airport land use compatibility plans are requirements of the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq.*). Provisions for creation of ALUCs were first established under state law in 1967 (see Appendix A for a copy of the statutes). With limited exceptions, an ALUC is required in every county in the state and a compatibility plan is required for each public-use and military airport.

Purpose and Objective

Although the law has been amended numerous times since the original enactment, 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 compatibility plans ALUCs adopt are the basic tools that they use to achieve this purpose. The ultimate objective of ALUCs, though, is to ensure that land use actions taken by local agencies also adhere to this purpose. ALUCs pursue this objective by reviewing the general plans specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies for consistency with the policies and criteria in the applicable compatibility plan. ALUCs also review the development plans proposed by airport operators to determine if those plans are consistent with the compatibility plan or if modifications should be made to the compatibility plan to reflect current airport planning.

Relationship between ALUCs and County and City Governments

The relationship between ALUCs and the governments of the county and the cities within their jurisdiction is set forth in the State Aeronautics Act. For the most part, ALUCs act independently from the local land use jurisdictions. ALUCs must consult with the involved agencies regarding establishment of airport influence area boundaries (Public Utilities Code Section 21675(c)), but otherwise have the authority to adopt compatibility plans without approval from county or city governing bodies. ALUCs, though, do not have the authority to implement their own compatibility policies.

The responsibility for implementation of compatibility plans rests with the affected local agencies. Government Code Section 65302.3 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 plan. Alternatively, local agencies can take the series of steps listed in the Public Utilities Code and described later in this chapter to overrule the ALUC policies.

Local agencies’ other responsibility is to submit their plans and certain other proposed land use actions to the ALUC for review and determination of those actions’ consistency with the ALUC’s compatibility plan. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be submitted to the ALUC. However, other actions such as ones associated with individual development proposals are subject to ALUC review only until such time as the agency’s general plan and specific plans have been made consistent with the ALUC plan or the agency has overruled the ALUC.

Compatibility Planning for Calaveras County Airport

The Calaveras County ALUC is a single-purpose body established in accordance with the provisions of Public Utilities Code Section 21670(b). As provide for in state law, the ALUC membership consists of two members appointed by the County Board of Supervisors, two members appointed by the mayors of cities in the county, two members representing airports, and an at-large member selected by the other six members. Because Calaveras County Airport is the only airport and the City of Angels City (Angels Camp) is the only city in the county, they each appoint two members. The ALUC was reconstituted in the present format in January 2007. Previously, the County Board of Supervisors appointed a designated body consisting of five persons to act as the ALUC, following the designated body provisions of the Public Utilities Code. The members of the designated body included the Planning Commissioner from the Supervisorial District in which the airport is located, one representing the County airport Administrator’s Office, one representing the City of Angels (appointed by the City Council), and two from the general public with expertise in aviation.

Although, as noted above, the ALUC is an independent body, it operates under the auspices of the County of Calaveras. Staff for the ALUC is provided by the County Planning Department.

This *Compatibility Plan* replaces an earlier plan—*Calaveras County Airport Land Use Plan*—which the ALUC (Board of Supervisors) adopted for the airport in 1991.

COMPATIBILITY PLAN POLICY FRAMEWORK

State Laws and Guidelines

Many of the procedures that govern how ALUCs operate are defined by state law. As noted earlier, statutory provisions in the Public Utilities Code establish the requirements for ALUC adoption of compatibility plans, which airports must have plans, and some of the steps involved in the plan adoption. The law also dictates the requirements for airport land use compatibility reviews by the ALUC. The types of actions that local jurisdictions must submit for review are specified, for example.

With respect to airport land use compatibility criteria, the statutes say little however. Instead, a section of the law enacted in 1994 refers to another document, the *Airport Land Use Planning 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* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports.

The policies and maps in this *Compatibility Plan* take into account the guidance provided by the current edition of the *Airport Land Use Planning Handbook*, dated January 2002.

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 January 2002 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

Relationship to Airport Master Plans

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 mostly 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 major purpose of a compatibility plan is to ensure 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, Public Utilities Code Section 21675(a) 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 with the approval of the California Division of Aeronautics.

The responsibility for long-range planning of Calaveras County Airport rests with the airport's proprietor, the County of Calaveras. The only master plan prepared for the airport was one done in 1980 during the planning work that led to construction of the airport. However, the Airport Layout Plan drawing that accompanied the original master plan has been updated on a regular basis to reflect completed construction and planned new facilities. The current Airport Layout Plan was prepared in 2004 and has been approved by the Federal Aviation Administration.

The 2004 Airport Layout Plan has been submitted to the California Division of Aeronautics along with other supporting material contained in Chapter 3 of this *Compatibility Plan* and has received the state's approval for compatibility planning purposes.

Forecasting Methodology

In addition to the requirement that a compatibility plan be based upon the adopted airport master plan or state-approved airport layout plan, the Public Utilities Code says that a compatibility plan must reflect "the anticipated growth of the airport during at least the next 20 years." Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

"...most airports presumably will remain in operation for more than 20 years. This factor combined with the characteristic uncertainty of forecasting suggests that, for the purpose of airport land use compatibility planning, using a high estimate of long-range activity levels is generally preferable to underestimating the future potential. This strategy especially applies with respect to assessment of noise impacts. Too low of a forecast may allow compatibility conflicts that cannot later be undone."

The caveat to this methodology, as also stated in the *Handbook*, is that "activity projections must also be reasonable."

This *Calaveras County Airport Land Use Compatibility Plan* relies upon the approved Airport Layout Plan and activity forecasts prepared specifically for this plan. As described in Chapter 3, future expansion of the airport is highly constrained by the topography of its site. The airport currently has space for about 75 based aircraft and the ultimate capacity is approximately 100. Current aircraft activity is estimated at approximately 30,000 operations (takeoffs and landings) per year. Nothing is expected to change in the role of the airport or the characteristics of its use that would significantly alter the present ratio of 400 operations per based aircraft. Thus, for compatibility planning purposes, the maximum likely activity level is 40,000 annual operations. Depending upon when new facilities are built and occupied, this volume could be reached before or after the 20-year planning time horizon.

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 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 the California Department of Transportation, 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 (Public Utilities Code Section 21676(a) and (b)). The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC (Sections 21676, 21676.5 and 21677.) Note that similar requirements apply to local agency overruling of ALUC actions concerning individual development proposals for which ALUC review is mandatory (Section 21676.5(a)) and airport master plans (Section 21676(c)).

A general plan does not need to be identical with the ALUC compatibility plan in order to be consistent with the compatibility plan. 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.

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. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures necessary to ensure compliance with compatibility criteria could be fully incorporated into the 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 the 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**—A jurisdiction selecting this option would simply adopt as a local policy document the relevant portions of the compatibility plan—specifically, the policies and maps. Applicable background information could be included as well if desired. Changes to the community's existing general plan would be minimal. Policy reference to the compatibility plan 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 compatibility plan as policy. Instead, the compatibility policies would be restructured as an airport combin-

ing 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 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 ALUC 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.)

As described in Chapter 3, very little development exists within the Calaveras County Airport influence area. Moreover, little new development is planned and general plan land use designations therefore largely reflect existing land use patterns. This status is significant because ALUCs have no jurisdiction over existing land uses. Consequently, there is no requirement for the county, as the only local agency having land use jurisdiction near the airport, to change any land use designation that merely reflects existing development.

Some changes to the county *General Plan* may nevertheless be necessary. Compatibility matters—for example, ensuring that any nonconforming uses would not be expanded in a manner inconsistent with this *Compatibility Plan*—need to be addressed. Also, the role of the ALUC in reviewing land use actions and the procedures that will be followed should be noted. As of early 2009, the county is engaged in updating its *General Plan* with adoption anticipated late in the year.

PLAN CONTENTS

This *Calaveras County Airport Land Use Compatibility Plan* is organized into three 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 Calaveras County Airport in particular

The most important components of the plan are found in Chapter 2. That chapter contains the policies by which the ALUC operates and conducts compatibility reviews of proposed land use and airport development actions. It also specifies the compatibility criteria and other policies applicable to Calaveras County Airport and its environs. Chapter 3 presents various background data regarding features, impacts, and environs of Calaveras County Airport. Chapter 3 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 taken from other sources and does not represent ALUC policy except where cited as such in Chapter 2—specifically the state ALUC statutes and certain other laws (Appendix A) and Federal Aviation Regulations Part 77 (Appendix B).

Chapter 2

Policies



Policies

1. GENERAL APPLICABILITY

1.1. Purpose and Use

- 1.1.1. *Basic Purpose:* The basic purpose of this *Calaveras County Airport Land Use Compatibility Plan* is to articulate procedures and criteria, established in accordance with the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq.*), applicable to airport land use compatibility planning in the vicinity of Calaveras County Airport.
- 1.1.2. *Use by Particular Governmental Agencies:* The Calaveras County Airport Land Use Commission (ALUC) and local agencies (see Policy 1.2.14) shall use the policies in this *Compatibility Plan* in the manner indicated below.
 - (a) Calaveras County Airport Land Use Commission: The ALUC has formally adopted this *Compatibility Plan*. When a land use or airport-related action is submitted to the ALUC for review in accordance with state law and as provided for by Section 1.4 of this *Compatibility Plan*, the ALUC shall determine whether such action is consistent with the criteria set forth herein.
 - (b) The County of Calaveras or any future city having jurisdiction over land uses within the Calaveras County Airport influence area (see Policy 1.3.2(a)) shall:
 - (1) As required by state law (Public Utilities Code Section 21676(a)), modify its general plan and zoning ordinance to be consistent with the policies in the *Compatibility Plan*.
 - (2) Utilize the *Compatibility Plan*, either directly or as reflected in the appropriately modified general plan and zoning ordinance, when making other planning decisions regarding proposed development of lands within the Calaveras County Airport influence area.
 - (3) Submit proposed land use actions for review by the ALUC as specified by Policies 1.4.1 and 1.4.2 herein.
 - (c) Special districts, school districts, and state agencies shall:
 - (1) Apply the policies of this *Compatibility Plan* when creating plans and making other planning decisions regarding the proposed development of lands under their control with the Calaveras County Airport influence area.
 - (2) Submit proposed land use actions for review by the ALUC as specified by Policy 1.4.2 herein.

- 1.1.3. *Effective Date:* The policies in this *Calaveras County Airport Land Use Compatibility Plan* are effective as of the date that the ALUC adopted the plan.
- (a) The previous compatibility plan for the airport, *Calaveras County Airport Land Use Plan*, was adopted by the ALUC in 1991. The earlier plan is in effect until ALUC adoption of this *Calaveras County Airport Land Use Compatibility Plan* and shall again become effective if the entirety of this *Compatibility Plan* were to be invalidated by court action.
 - (b) Any project or phase of a project that has received local agency approvals sufficient to qualify it as an existing land use (see definition in Policy 1.2.12) prior to the date of the ALUC's adoption of this *Compatibility Plan* shall not be required to comply with the policies herein. Rather, the policies of the 1991 compatibility plan shall apply.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this *Compatibility Plan*. Additional terms are defined in the *Glossary* (Appendix G).

- 1.2.1. *Aeronautics Act:* Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility planning.
- 1.2.2. *Airport:* Calaveras County Airport, a public-use airport owned by the County of Calaveras.
- 1.2.3. *Airport Influence Area:* An area, as delineated on Map 1 – Compatibility Map, 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 to determine consistency with the policies herein.
- 1.2.4. *Airport Land Use Commission (ALUC):* The Calaveras County Airport Land Use Commission.
- 1.2.5. *Airport Land Use Commission Secretary:* The Calaveras County Community Development Director or a person designated by the Director with the concurrence of the ALUC Chairperson.
- 1.2.6. *Airspace Protection Area:* The area beneath the airspace protection surfaces for Calaveras County Airport as depicted on Map 2 – Airspace Protection.
- 1.2.7. *Airspace Protection Surfaces:* Imaginary surfaces in the airspace surrounding the Calaveras County Airport defined in accordance with criteria set forth in Federal Aviation Regulations Part 77. These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of the airport.
- 1.2.8. *Aviation-Related Use:* Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.

- 1.2.9. *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 Appendix F).
- 1.2.10. *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.
- 1.2.11. *Compatibility Plan*: This document, the *Calaveras County Airport Land Use Compatibility Plan*.
- 1.2.12. *Existing Land Use*: A land use that either physically exists or for which local agency (see Policy 1.2.14) commitments to the proposal have been obtained.
- (a) 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;
 - (3) A development agreement has been approved and remains in effect;
 - (4) A final subdivision map has been recorded;
 - (5) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (6) A valid building permit has been issued.
 - (b) The determination as to whether a specific project meets the above criteria is to be made by the local agency involved.
- 1.2.13. *Federal Aviation Regulations (FAR) Part 77*: The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions (also see *Glossary*).
- 1.2.14. *Local Agency*: For the purposes of this *Compatibility Plan*, Calaveras County, any future city, or other local governmental entity such as a special district, school district, or community college district—including any future city or district—having jurisdictional territory lying within the Calaveras County Airport influence area as defined herein. These entities are subject to the provisions of this *Compatibility Plan*.
- 1.2.15. *Major Land Use Action*: Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.4.3.
- 1.2.16. *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 Calaveras County Airport is depicted on Map 1.
- 1.2.17. *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, the following: residential, 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.

- 1.2.18. *Nonconforming Use*: An existing land use that does not comply with the compatibility criteria set forth in this *Compatibility Plan*. See Policy 4.1.1 for criteria applicable to land use actions involving nonconforming uses.
- 1.2.19. *Project; Land Use Action; Development Proposal*: Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, that are subject to the provisions of this *Compatibility Plan*.
- 1.2.20. *Real Estate Transaction Disclosure*: A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an airport and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the airport. See Policy 5.4.4 for applicability. Also see Policy 1.2.22 for a related buyer awareness tool, *recorded overflight notification*.
- 1.2.21. *Reconstruction*: The rebuilding of an existing nonconforming structure that has been fully or partially destroyed as a result of a calamity (not planned reconstruction or redevelopment). See Policy 4.1.2.
- 1.2.22. *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 *aviation easement* (see Policy 1.2.9), 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 3.5.1 for applicability. Also see Policy 1.2.20 for a related buyer awareness tool, *real estate transaction disclosure*.
- 1.2.23. *Redevelopment*: Development of a new use (not necessarily a new type of use) to replace an existing use at a density or intensity that may vary from the existing use. Redevelopment projects are subject to the provisions of this *Compatibility Plan* to the same extent as other forms of proposed development.

1.3. Geographic Scope

- 1.3.1. *Airport Influence Area*: As defined in accordance with state law, the influence area of Calaveras County Airport encompasses all lands on which the uses could be negatively affected by present or future aircraft operations at the airport as well as lands on which the uses could negatively affect airport usage.
- (a) In delineating the airport influence area, the geographic extent of four types of compatibility concerns are taken into account:
- (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 certain other land use characteristics, particularly uses that attract birds, need to be restricted in order to protect the airspace required for operation of aircraft to and from the airport.
 - (4) Overflight: Locations where aircraft overflights can be intrusive and annoying to many people.

- (b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the ALUC shall consider in reviewing land use actions or airport projects.
- 1.3.2. *Government Entities Affected:* The policies of this *Compatibility Plan* apply to governmental entities having control over lands within the Calaveras County Airport influence area depicted in Map 1.
 - (a) To the extent that they have jurisdiction over lands within the Calaveras County Airport influence area, the local agencies affected by this plan are:
 - (1) County of Calaveras.
 - (2) Any existing city that may annex lands or any future city that may be incorporated within the unincorporated area of Calaveras County.
 - (3) Special districts and school districts.
 - (b) The policies of this *Compatibility Plan* also apply to state agencies controlling land within the airport influence area. Lands controlled by federal agencies or Native American tribes are not subject to the provisions of this plan.

1.4. Types of Actions Subject to ALUC Review

- 1.4.1. *Land Use Actions that Always Require ALUC Review:* As required by state law, prior to approving any of the following types of land use actions, the local agency (see Policy 1.2.14) must refer the action to the ALUC for determination of consistency with the *Calaveras County Airport Land Use Compatibility Plan*.
 - (a) The adoption or approval of any new general or specific plan or any amendment thereto that affects lands within the airport influence area (Public Utilities Code Section 21676(b)).
 - (b) The adoption or approval of a zoning ordinance or building regulation, including any proposed change or variance to any such ordinance or regulation, that affects land within the airport influence area (Public Utilities Code Section 21676(b)).
- 1.4.2. *Other Land Use Actions Potentially Subject to ALUC Review:* Other types of land use actions are subject to ALUC review under the following circumstances:
 - (a) Until such time as (1) the ALUC finds that a local agency's general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan* or (2) the local agency has overruled the ALUC determination of inconsistency, state law allows the ALUC to require the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the ALUC for review (Public Utilities Code Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. With regard to land uses within the Calaveras County Airport influence area, ALUC policy is that only the major land use actions listed in Policy 1.4.3 shall be submitted for review.
 - (b) After a local agency has revised its general plan or specific plan to be consistent with this *Compatibility Plan* (see Section 4.2) or has overruled the ALUC, the ALUC no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the ALUC and the local agency can agree that the ALUC should continue to receive, review, and comment upon individual projects.

- (1) The ALUC requests local agencies to continue to submit major land use actions as listed in Policy 1.4.3. ALUC review of these types of projects can serve to enhance their compatibility with airport activity.
 - (2) Because the ALUC reviews of land use actions under these circumstances do not represent formal consistency determinations as is the case with actions submitted under Policies 1.4.1 or 1.4.2(a), local agencies are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the ALUC.
 - (c) Proposed redevelopment of a property for which the existing use is consistent with the general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this *Compatibility Plan*, shall be subject to ALUC review.
 - (1) This review requirement applies even if the general plan or specific plan has previously been reviewed by the ALUC and found to be consistent with this or a prior compatibility plan for Calaveras County Airport.
 - (2) This policy is intended to address circumstances that arise when a general or specific plan land use designation does not conform to ALUC compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an existing land use. Proposed redevelopment of such lands voids the consistency status and is to be treated as new development subject to ALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 4.1.1 and 4.1.2.)
 - (d) 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).
 - (1) 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. For any project within the Calaveras County Airport influence area, the compatibility criteria contained in this *Compatibility Plan* should also be addressed in the environmental document.
 - (2) Submittal of environmental documents for ALUC review is not mandatory. However, if an environmental document has been prepared for a land use action submitted to the ALUC for review, a copy should be provided as part of the submittal.
- 1.4.3. *Major Land Use Actions:* The scope or character of certain major land use actions, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth herein, ALUC review of these actions may be warranted. The circumstances under which ALUC review of these actions is to be conducted are indicated in Policy 1.4.2 above.
- (a) Any proposed expansion of the sphere of influence of a city or special district.
 - (b) Proposed pre-zoning associated with future annexation of land to a city.

- (c) Proposed development agreements or amendments to such agreements.
 - (d) Proposed residential development, including land divisions, consisting of 5 or more dwelling units or parcels.
 - (e) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater unless only ministerial approval (e.g., a building permit) is required.
 - (f) Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas to the extent that such uses are not reflected in a previously reviewed general plan or specific plan.
 - (g) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
 - (h) Any nonaviation use of land within Compatibility Zone A.
 - (i) Any proposed object (including buildings, antennas, and other structures) having a height that requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation.
 - (j) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - (1) Electrical interference with radio communications or navigational signals;
 - (2) Lighting which could be mistaken for airport lighting;
 - (3) Glare in the eyes of pilots of aircraft using the airport; and
 - (4) Impaired visibility near the airport.
 - (k) Any project (e.g., water treatment facilities, waste transfer or disposal facilities, parks with open water areas) or plan (e.g., Habitat Conservation Plan) having the potential to cause an increase in the attraction of birds or other wildlife that can be hazardous to aircraft operations on or in the vicinity of an airport.
 - (l) Proposed nonaviation development of airport property if such development has not previously been included in an airport master plan or community general plan reviewed by the ALUC. (See Policy 1.2.8 for definition of *aviation-related use*.)
 - (m) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
- 1.4.4. *Airport Planning and Development Actions Subject to ALUC Review:* 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 county of Calaveras as proprietor of Calaveras County Airport must refer the action to the ALUC for determination of consistency with the *Calaveras County Airport Land Use Compatibility Plan*.
 - (1) Adoption or modification of a master plan for Calaveras County Airport, a public-use airport (Public Utilities Code Section 21676(c)).
 - (2) Any proposal for “expansion” of Calaveras County Airport if such expansion will require an amended Airport Permit from the state of California (Public Utilities Code Section 21664.5). As used in the statutes, “expansion” means construction

of a new runway, extension or realignment of an existing runway, or related acquisition of land.

- (b) In accordance with state law, neither the ALUC nor this *Compatibility Plan* have authority over airport operations including where and when aircraft fly, the types of aircraft flown, and other such matters (Public Utilities Code Section 21674(e)). Furthermore, the ALUC and this *Compatibility Plan* have no authority over the planning or design of aviation-related uses (see definition in Policy 1.2.8) except to the extent that the associated facilities or activities could have off-airport land use compatibility implications and review of the proposed plans or design is required under state law and Paragraph (a) of this policy.
 - (c) Nonaviation development of airport property is not deemed to be a form of airport operations. Consequently, such development is subject to ALUC review just as is required for ALUC review of nonaviation development 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. *Overruling of ALUC by Local Agency:* In accordance with state law (Public Utilities Code Sections 21676(a), (b), and (c) and 21676.5(a)), any local agency contemplating overruling an ALUC determination that an action submitted for mandatory ALUC review is inconsistent with this *Compatibility Plan* must give notice to the ALUC at least 45 days prior to the decision to overrule. The ALUC may provide comments on the proposed overruling decision. Comments may be provided by the ALUC staff and need not be acted upon by the ALUC.

2. REVIEW PROCESS

2.1. General

- 2.1.1. *Timing of Project Submittal:* The precise timing of the ALUC's or ALUC Secretary's review of a proposed land use action may vary depending upon the nature of the specific project.
- (a) In general, plans and projects should be referred to the ALUC 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 formalizes its actions. Depending upon the type of plan or project 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 action by the local agency.
 - (b) Although the most appropriate timing for a proposed land use action to be referred to the ALUC for review is soon after a formal application has been submitted to the local agency, the 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 to the ALUC. Rather, a project applicant may request, and the local agency may refer, a proposed land use action to the ALUC for review, so long as the local agency is able to provide the ALUC with the project submittal information for the proposal, as specified in Section 2.3.1 of this *Compatibility Plan*.

- 2.1.2. *Public Input:* Where applicable, the ALUC shall provide public notice and obtain public input in accordance with Public Utilities Code Section 21675.2(d) before acting on any plan, regulation, or other land use proposal under consideration.
- 2.1.3. *Fees:* Any applicable review fees as established by the ALUC shall accompany the submittal of actions for formal ALUC or ALUC Secretary review.

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 *Calaveras County Airport Land Use Compatibility Plan*, the ALUC shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the ALUC's policies (see separate environmental document).
 - (a) State law (Government Code Section 65302.3) requires that, within 180 days of the ALUC's adoption or amendment of this *Compatibility Plan*, each local agency affected by the plan must amend its general plan and any applicable specific plan to be consistent with the ALUC's *Compatibility Plan* or, alternatively, provide required notice, adopt findings, and overrule the ALUC in accordance with Public Utilities Code Section 21676(b).
 - (b) Prior to taking action on 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 Reviews of Related Land Use Development Proposals:* Once a local agency's general plan and applicable specific plans have been made consistent with this *Compatibility Plan*, or the local agency has overruled an ALUC finding of inconsistency regarding those plans, subsequent land use development actions that are consistent both with those local plans and with any related ordinances and regulations also previously reviewed by the ALUC are subject to ALUC review only under the conditions indicated in Policies 1.4.2 and 2.3.5.
- 2.2.3. *Required Submittal Information:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment must be submitted. Any supporting material documenting that the proposal is consistent with the *Compatibility Plan* should be included. If the amendment is required as part of a proposed development project, then the information listed in Policy 2.3.1 shall also be included to the extent applicable.
- 2.2.4. *ALUC Action Choices:* When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the ALUC has three choices of action:
 - (a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*. To make such a finding with regard to a general plan, the conditions identified in Section 4.2 must be met.
 - (b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*, 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 *Compatibility Plan*. In making a finding of inconsistency, the ALUC shall note the specific conflicts or shortcomings upon which its determination is based.
- 2.2.5. *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 submittal (Public Utilities Code Section 21676(d)).
- (a) The date of submittal is deemed to be the date on which all applicable project information as specified in Policy 2.2.2 is received by ALUC Secretary and the ALUC Secretary determines that the application for a consistency determination is complete.
 - (b) If the ALUC fails to make a determination within the 60-day period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (c) The 60-day review period may be extended if the submitting agency or project applicant agrees in writing or so states at an ALUC public hearing on the action.
 - (d) Regardless of ALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
 - (e) The referring agency shall be notified of the ALUC's action in writing.

2.3. Review Process for Major Land Use Actions

- 2.3.1. *Required Submittal Information:* A proposed major land use action submitted for ALUC (or ALUC Secretary) review shall include the following information:
- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
 - (b) An accurately scaled map depicting the project site location in relationship to the Calaveras County Airport boundary and runways.
 - (c) A description of the proposed use(s), current general plan and zoning designations, and the type of land use action being sought from the local agency (e.g., zoning variance, special use permit, building permit).
 - (d) If applicable, a detailed site plan and supporting data showing: site boundaries and size; existing uses that will remain; location of existing and proposed structures, open spaces, and water bodies; ground elevations (above mean sea level) and elevations of tops of structures and trees. Additionally:
 - (1) For residential uses, an indication of the potential or proposed number of dwelling units per acre (excluding any secondary units).
 - (2) For nonresidential uses, the total floor area for each type of proposed use, the number of auto parking spaces, and, if known, the number of people potentially occupying the total site or portions thereof at any one time.
 - (e) Identification of any features, during or following construction, that would increase the attraction of birds or cause other wildlife hazards to aircraft operations on the airport or in its environs (see Policy 3.4.2(a)(6)). Such features include, but are not limited to the following:
 - (1) Open water areas.
 - (2) Sediment ponds, retention basins.

- (3) Detention basins that hold water for more than 48 hours.
 - (4) Artificial wetlands.
 - (f) Identification of any characteristics that could create electrical interference, confusing or bright lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
 - (g) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (h) Any staff reports regarding the project that may have been presented to local agency decision makers.
 - (i) Other relevant information that the ALUC or ALUC Secretary determine to be necessary to enable a comprehensive review of the proposed action.
- 2.3.2. *ALUC Secretary's Choices:* When reviewing major land use actions in accordance with Policy 1.4.2(a), the ALUC Secretary has two choices of action:
- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. Upon said finding, the Secretary is authorized to approve such projects on behalf of the ALUC.
 - (b) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Secretary shall forward any such project to the ALUC for a consistency determination.
- 2.3.3. *ALUC Action Choices:* When reviewing a major land use project proposal, the ALUC has three choices of action:
- (a) Find the project consistent with the *Compatibility Plan*.
 - (b) Find the project consistent with the *Compatibility Plan*, subject to compliance with such conditions as the ALUC may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).
 - (c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the ALUC shall note the specific conflicts upon which the determination is based.
- 2.3.4. *Response Time:* In responding to major land use actions submitted for review, the policy of the Calaveras County ALUC is that:
- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.4.2(a):
 - (1) Reviews by the ALUC Secretary shall be completed within 30 days of the date of submittal.
 - (2) Reviews of projects forwarded to the ALUC for a consistency determination shall be completed within 60 days of the date of submittal.
 - (3) The date of submittal is deemed to be the date on which all applicable project information as specified in Policy 2.3.1 is received by ALUC Secretary and the ALUC Secretary determines that the application for a consistency determination is complete.

- (4) If the ALUC Secretary or the ALUC fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (b) When a major land use action is submitted on an optional basis in accordance with Policy 1.4.2(b), 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 submitting agency.
 - (c) Regardless of action or failure to act on the part of the ALUC Secretary or the ALUC, the proposed action must comply with other applicable local, state, and federal laws and regulations.
 - (d) The referring agency shall be notified of the ALUC Secretary's and/or the ALUC's action in writing.
- 2.3.5. *Subsequent Reviews of Related Land Use Development Proposals:* Once a project has been found consistent with the *Compatibility Plan*, 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 project information available was only sufficient to determine consistency with compatibility criteria at a planning level of detail, not at the project design level. For example, the proposed land use designation indicated in a general plan, specific plan, or zoning amendment may have been found consistent, but information on site layout, usage intensity, 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, an increase in the number of dwelling units;
 - (2) For nonresidential uses, a change in the types of proposed uses, an 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 usage intensity (more people on the site) to a level exceeding the criteria set forth in this *Compatibility Plan*;
 - (3) An 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) to the extent that site design was an issue in the initial project review; and/or
 - (5) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 4.1.3.
 - (c) At the time of original ALUC review, conditions were placed on the project that require subsequent ALUC review.
 - (d) The local agency concludes that further review is warranted.

2.4. Review Process for Airport Master Plans and Development Plans

2.4.1. *Required Submittal Information:* A Calaveras County Airport master plan or development plan submitted to the ALUC for review shall contain sufficient information to enable the ALUC to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses.

- (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. Although the ALUC does not have a formal responsibility to review the environmental document, a copy should be included with the submittal.
- (b) For airport development plans, the relationship to previously a 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 project should be included in the submittal.
- (c) For either airport master plans or development plans, the following specific information shall 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 surfaces as defined by Federal Aviation Regulations Part 77 if the proposal would result in changes to these surfaces. The current configuration of the Calaveras County Airport airspace surfaces is shown in Map 2 – Airspace Protection.
 - (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 3 of this *Compatibility Plan* should be described.
 - (4) Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapter 3 of this *Compatibility Plan* 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 development plan.
 - (6) 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 summarized in Chapter 3.

2.4.2. *ALUC Action Choices for Plans of Existing Airport:* When reviewing a proposed new or revised airport master plan or new development plans for Calaveras County Airport, the

ALUC has three action choices (see Section 4.3 for policies pertaining to the substance of the ALUC review of airport plans):

- (a) Find the airport plan consistent with the *Airport Land Use Compatibility Plan*.
 - (b) Find the airport plan inconsistent with the ALUC plan.
 - (c) Modify the *Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan—thereby making the airport plan consistent—or establish its intent to modify the *Compatibility Plan* at a later date.
- 2.4.3. *Response Time:* The ALUC must respond to the submittal of an airport master plan or development plan within 60 days from the date of submittal (Public Utilities Code Section 21676(d)).
- (a) If the ALUC fails to make a determination within the specified period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
 - (b) Regardless of ALUC action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
 - (c) The county of Calaveras, as airport proprietor, shall be notified of the ALUC's action in writing.

3. LAND USE COMPATIBILITY CRITERIA

The compatibility of proposed land uses within the influence area of Calaveras County Airport shall be evaluated in accordance with the policies set forth in this section. Additional policies in Section 4 may also apply.

3.1. General Criteria

- 3.1.1. *Compatibility Criteria Table:* Determination of whether a land use proposed for development within the Calaveras County Airport influence area is compatible with airport activity shall primarily be made using Table 1 – Compatibility Criteria.
- (a) Each of the listed land use categories is indicated as being either “normally compatible,” “conditional,” or “incompatible” depending upon the compatibility zone in which it is located.
 - (1) “Normally Compatible” means that normal examples of the use are compatible with the airport; atypical examples of the use may require review to ensure compliance with compatibility criteria.
 - (2) “Conditional” means that the use is compatible if the listed conditions are met.
 - (3) “Incompatible” means that the use should not be permitted under any circumstances.
 - (b) The indicated compatibility status of each land use category considers noise, safety, and airspace protection compatibility concerns. Certain land uses are more sensitive to one of these concerns than to others. Each use's degree of sensitivity to the individual compatibility concerns is shown in Appendix C.

- (c) Multiple land use categories and the compatibility criteria associated with them may apply to a project. Land uses not specifically listed shall be evaluated using the criteria for similar listed uses.
 - (d) Projects involving a mixture of residential and nonresidential uses shall be evaluated as follows:
 - (1) Where the residential and nonresidential uses are proposed to be situated on separate parts of the project site, the project shall be evaluated as separate developments. Each component of the project must meet the criteria for the respective land use category in Table 1.
 - (2) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site also must meet the criteria for each land use category to be included in the development. Additionally, for the purposes of compliance with usage intensity criteria in Table 1, the normal occupancy of the residential component shall be added to that of the nonresidential component.
- 3.1.2. *Compatibility Map:* Map 1 – Compatibility Map delineates the geographic areas around Calaveras County Airport within which the compatibility criteria in Table 1 are to be applied. The map divides the airport influence area into six compatibility zones. Delineation of the compatibility zone boundaries takes into account all four compatibility concerns—noise, safety, airspace protection, and overflight. Table 2 – Compatibility Factors describes the magnitude of the airport impacts occurring within each compatibility zone.
- 3.1.3. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria in Table 1, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the limits which would otherwise apply within that compatibility zone.
- 3.1.4. *Policies Pertaining to Specific Compatibility Concerns:* In addition to satisfying the general compatibility criteria defined in Table 1, land use actions also must comply with the specific noise, safety, airspace protection, and overflight policies set forth in Sections 3.2 through 3.5.
- 3.1.5. *Development by Right:* Construction of a single-family home, including a secondary unit as defined by state law, on a legal lot of record as of the date of adoption of this *Compatibility Plan* is allowed in all Compatibility Zones except Zone A if such use is permitted by local land use regulations.
- 3.1.6. *Aviation Easement Dedication Requirements:*
- (a) Dedication of an aviation easement is required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following portions of the Calaveras County Airport influence area:
 - (1) Within the Compatibility Zones A, B1, B2, or C.

- (2) Beneath the approach or transitional surfaces as defined by FAR Part 77 and shown on Map 2 – Airspace Protection.
 - (3) Any location where the ground level penetrates or lies within 35 feet below an airspace protection surface defined by FAR Part 77 as shown on Map 2 – Airspace Protection.
- (b) The aviation easement shall:
 - (1) Provide the right of flight in the airspace above the property;
 - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
 - (3) Restrict the height of structures, trees and other objects in accordance with the policies in Section 5.3 and Map 2 – Airspace Protection;
 - (4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (c) An example of an aviation easement is provided in Appendix F.

3.2. Specific Policies for Noise Compatibility

- 3.2.1. *Maximum Acceptable Exterior Noise Exposure:* To minimize noise-sensitive development in noisy areas around Calaveras County Airport, new land use development shall be restricted in accordance with the following.
 - (a) New residential development shall be deemed incompatible within the projected CNEL 55 dB contour of Calaveras County Airport.
 - (1) For the purposes of implementing this policy, no new dwelling shall be permitted within Compatibility Zones A, B1, or B2.
 - (2) A parcel on which residential uses are permitted by county zoning may extend into the Compatibility Zones A, B1, or B2 provided that the dwelling itself is not within any of the zones.
 - (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. The specific limitations are listed in Table 1. Factors considered in establishing the maximum acceptable noise exposure for nonresidential land uses are described in Policy 5.1.3.
- 3.2.2. *Maximum Acceptable Interior Noise Levels:* To the extent that the criteria in Table 1 or other policies herein permit any of the following land uses within the Compatibility Zones B1 or B2, the structures shall provide at least the indicated amount of exterior-to-interior noise level reduction (NLR).
 - (a) To ensure that the aircraft-related interior noise level is no greater than CNEL 40 dB, an NLR of 25 dB shall be required for:
 - (1) Any habitable room of single- or multi-family residences;
 - (2) Hotels, motels, and other lodging;
 - (3) Hospitals and nursing homes;

- (4) Places of worship, meeting halls, theaters, and mortuaries; and
- (5) Schools, libraries, and museums.
- (b) To ensure that the aircraft-related interior noise level is no greater than CNEL 45 dB, an NLR of 20 dB shall be required for offices and office areas of industrial facilities.
- (c) When structures are part of a proposed land use action, evidence that proposed structures will be designed to comply with the criteria in Paragraph (a) or (b) of this policy shall be submitted to the county of Calaveras.

3.3. Specific Policies for Safety Compatibility

- 3.3.1. *Residential Development Criteria:* In determining compliance with the residential density limits in Table 1, the following factors shall be considered.
- (a) For projects that are solely residential, the acreage evaluated equals the project site size which may include multiple parcels. See Policy 3.1.1(d) with regard to mixed-use development.
 - (b) The maximum allowable residential densities indicated in Table 1 are intended to include density bonuses and any 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. The overall density of a development project, including any bonuses or allowances, must comply with the allowable density criteria in Table 1.
 - (c) Secondary units, as defined by state law, shall be excluded from density calculations.
- 3.3.2. *Nonresidential Development Criteria:* The usage intensity (people per acre) limit indicated in Table 1 for each compatibility zone is the fundamental criterion against which the safety compatibility of most nonresidential land uses shall be measured. Other criteria may be applicable to uses of special concern.
- (a) Table 1 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 development must comply with both limits.
 - (1) The sitewide average intensity of a proposed development shall be calculated by determining the total number of people expected to be on the site and dividing by the gross acreage of the site.
 - (2) The single-acre intensity limit criteria address clustering concerns (see Policy 5.2.5). This number shall be calculated by determining the total number of people expected to be within any one-acre portion of the site, typically the most intensively used building or part of a building. The 1.0-acre areas to be evaluated normally match the building footprints provided that the buildings are generally rectangular and not elongated in shape or, for buildings larger than 1.0 acre, may represent a portion of the building.
 - (b) Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors.

- (c) Local agencies may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

3.4. Specific Policies for Airspace Protection Compatibility

3.4.1. *Airspace Obstruction Criteria:* The criteria for determining the acceptability of a project with respect to height shall be based upon the standards set forth in Federal Aviation Regulations (FAR) Part 77, Subpart C, *Objects Affecting Navigable Airspace*, and applicable airport design standards published by the FAA. Additionally, where an FAA aeronautical study of a proposed object has been required as described in Policy 3.4.3, the results of that study shall be taken into account by the ALUC and the local agency.

- (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 the airspace protection surface depicted for Calaveras County Airport in Map 2 – Airspace Protection. Any object that penetrates one of these surfaces is, by FAA definition, deemed an *obstruction*.
- (b) Within the primary surface and beneath the approach or transitional surfaces, objects shall be limited in height consistent with the airspace protection surfaces defined by FAR Part 77 criteria. Elsewhere within the airspace protection area, no object shall be limited to a height of less than 35 feet above the ground even if the object would penetrate an FAR Part 77 surface and thus constitute an obstruction.
- (c) Except as allowed under Paragraph (b), no proposed object having a height that exceeds the airport's airspace protection surface shall be allowed unless *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 diminution 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 (Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later guidance).
 - (4) An aviation easement is dedicated to the county of Calaveras as owner of the Calaveras County Airport in accordance with Policy 3.1.6.
 - (5) The proposed project/plan complies with all other policies of this *Compatibility Plan*.

3.4.2. *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;
- (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 including, but not limited to, FAA Order 5200.5A, *Waste Disposal Sites on or Near Airports*, and Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports*. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.

(b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, local agencies should consult with FAA officials and Calaveras County Airport management.

3.4.3. *Requirements for FAA Notification of Proposed Construction:* If a project contains proposed structures or other objects that may exceed the height standards defined in FAR Part 77, Subpart C, as applied to the Calaveras County Airport, the project proponent must submit notification of the proposal to the FAA where required by the provisions of FAR Part 77, Subpart B, and by the California Public Utilities Code, Sections 21658 and 21659. 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. The FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes.

(Note: Notification to the FAA under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Furthermore, in addition to the notification requirements pertaining to Calaveras County Airport, FAR Part 77, Subpart B, requires notification be submitted regarding any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.)

- (a) The boundary of the FAA notification area for Calaveras County Airport is depicted on Map 2 – Airspace Protection.
- (b) The local agency having jurisdiction over the project site shall inform the project proponent of the requirements for notification to the FAA.
- (c) Any proposed development project that includes construction of a structure or other object and that is required to be submitted to the ALUC for a consistency review in accordance with Policies 1.4.1 or 1.4.2 shall include a copy of the completed FAR Part

77 notification form submitted to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (i.e., notice of determination letter).

- 3.4.4. *ALUC Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual project by the ALUC. If the general plan of the local agency in which the project is to be located has been determined by the ALUC to be consistent with this *Compatibility Plan*, then no ALUC review is required. If the general plan has not been made consistent, then the proposed project must be submitted to the ALUC for review (see Policies 1.4.2(a) and 1.4.3).

3.5. Specific Policies for Overflight Compatibility

- 3.5.1. *Recorded Overflight Notification:* As a condition for local agency approval of residential land use development within the airport influence area indicated on Map 1, an overflight notification shall be recorded.
- (a) The notification shall contain the language dictated by state law with regard to real estate transfer disclosure (see Policy 5.4.4(c)) and shall adhere to a format similar to that indicated in Appendix F.
 - (b) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.
 - (c) A separate recorded overflight notification is not required where an aviation easement is provided (i.e., within portions of Compatibility Zones D and E that also fall within the High Terrain Zone or beneath a FAR Part 77 approach or transitional surface)..
 - (d) Recording of an overflight notification is not required for nonresidential development.
- 3.5.2. *ALUC Policy Regarding Real Estate Transfer Disclosure:* For the purposes of this *Compatibility Plan*:
- (a) The disclosure provisions of state law as described in Policy 5.4.4 are deemed mandatory for *new* residential development and shall continue in effect as a policy of this *Compatibility Plan* even if the state law is made less stringent or rescinded. The disclosure language to be used shall be as indicated in state law.
 - (b) Although not required by state law, the policy of this *Compatibility Plan* is that airport proximity disclosure should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential or nonresidential property within the Calaveras County Airport influence area.
 - (c) Signs providing airport proximity notice should be prominently posted in the appropriate county offices as well as in the real estate sales office and/or other key locations at any new development within the airport influence area.

4. ADDITIONAL COMPATIBILITY POLICIES

4.1. Special Conditions for Land Use Actions

4.1.1. *Nonconforming Uses:* The ALUC has no authority over existing land uses even if those uses are not in conformance with the compatibility criteria set forth in this *Compatibility Plan*. That is, the ALUC has no ability to cause reduction or removal of land use incompatibilities from the airport environs. However, proposed changes to existing uses *are* subject to ALUC purview if the changes would result in increased nonconformity with the compatibility criteria. Specifically, proposed changes to existing nonconforming uses (including a parcel or building) are limited as follows:

(a) Residential uses.

- (1) A nonconforming residential land use may be continued, sold, leased, or rented without ALUC restriction or review.
- (2) A nonconforming single-family dwelling may be maintained, remodeled, reconstructed (see Policy 4.1.2(a)), 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 3.1.5. However:
 - Any remodeling, reconstruction, or expansion must not increase the number of dwelling units. 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 a secondary dwelling unit as defined by state and local laws.
 - 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 4.1.2(a)). The size of individual dwelling units may be increased, but additional dwelling units may not be added.
- (4) The sound attenuation and avigation easement dedication requirements set by Policies 3.2.2 and 3.1.6 shall apply.

(b) Nonresidential uses.

- (1) A nonconforming nonresidential use may be continued, sold, leased, or rented without ALUC restriction or review.
- (2) Nonconforming nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see Policy 4.1.2). 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 *Compatibility Plan*.
- (3) The sound attenuation and avigation easement dedication requirements set by Policies 3.2.2 and 3.1.6 shall apply.

4.1.2. *Reconstruction:* An existing nonconforming development that has been fully or partially destroyed as the result of a calamity—not planned reconstruction or redevelopment—may be rebuilt only under the following conditions:

- (a) Nonconforming single-family or multi-family residential 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 a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.
 - (b) A nonconforming nonresidential development may be rebuilt provided that the reconstruction does not increase the floor area of the previous structure or result in an increased usage intensity (people per acre).
 - (c) Reconstruction under Paragraphs (a) or (b) above:
 - (1) Must have a permit deemed complete by the local agency within twenty-four (24) months of the date the damage occurred.
 - (2) Shall incorporate sound attenuation features to the extent required by Policy 3.2.2 and consistent with the California Noise Standards.
 - (3) Shall be conditioned upon dedication of an avigation easement to the airport proprietor if required under Policy 3.1.6.
 - (4) Shall comply with Federal Aviation Regulations Part 77 requirements.
 - (d) Reconstruction in accordance with Paragraphs (a), (b), and (c) above shall not be permitted in Compatibility Zone A 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.
- 4.1.3. *Other Special Conditions:* The compatibility criteria set forth in this plan are intended to be applicable to all locations within the Calaveras County 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.
- (a) After due consideration of all the factors involved in such situations, the ALUC may find a normally incompatible use to be acceptable.
 - (b) In considering any such exceptions, the ALUC shall also 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 agency permit language or other mechanisms to ensure continued compliance with the usage intensity criteria must be put in place.
 - (c) In reaching such a decision, the ALUC shall make specific findings as to why the exception is being made and that the land use will 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) Approval of a special conditions exception for a proposed project shall require a two-thirds approval of the ALUC members voting on the matter.
 - (e) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.

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

4.2. General Plan Consistency with Compatibility Plan

In order for a general plan to be considered consistent with this *Compatibility Plan*, the following must be accomplished (see Chapter 1 and Appendix E for additional guidance):

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

- (a) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in Table 1 of this *Compatibility Plan*. In addition, conflicts with regard to other policies—height limitations in particular—may exist.
- (b) A general plan cannot be found inconsistent with the *Compatibility Plan* because of land use designations that reflect existing land uses even if those designations conflict with the compatibility criteria of this *Compatibility Plan*. General plan land use designations that merely reflect the existing uses are exempt from requirements for general plan consistency with the *Compatibility Plan*. This exemption derives from state law which proscribes ALUC authority over existing land uses. However, proposed redevelopment or other changes to existing land uses are not exempt from compliance with compatibility policies and are subject to ALUC review in accordance with Policy 1.4.2(c). To ensure that nonconforming uses do not become more nonconforming, general plans therefore must include policies setting limitations on expansion and reconstruction of nonconforming uses located within the Calaveras County Airport influence area consistent with Policies 4.1.1 and 4.1.2.
- (c) To be consistent with the *Compatibility Plan*, 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.

4.2.2. *Establishment of Review Process*: Local agencies must define the process they will follow when reviewing proposed land use development within an airport influence area to ensure that the development will be consistent with the policies set forth in this *Compatibility Plan*.

- (a) Specifically, the process established must ensure that the proposed development is consistent with the land use or zoning designation indicated in the local agency's general plan, specific plan, zoning ordinance, and/or other development regulations that the ALUC has previously found consistent with this *Compatibility Plan* and that the development's subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage intensity, height limitations, aviation easement dedication—must be assessed.
- (b) This review process may be described either within land use plans themselves or in implementing ordinances. Local jurisdictions have the following choices for satisfying this review process requirement:
 - (1) Sufficient detail can be included in the general plan and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the appli-

cable compatibility plan (this means both that the compatibility criteria be identified and that project review procedures be described);

- (2) The ALUC's compatibility plan 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 action types agreed to by the ALUC, shall be submitted to the ALUC for review in accordance with the policies of Section 2.3.

4.3. Airport Plans

4.3.1. *Substance of Review:* In accordance with state law, any new or amended Calaveras County Airport master plan or development plan is subject to ALUC review for consistency with this *Compatibility Plan* (see Policy 1.4.4(a)). 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 *Compatibility Plan*. Attention should specifically focus on:

- (a) Proposals for facilities or procedures not assumed herein, 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) New activity forecasts that are: (1) significantly higher than those used in developing the Map 1 – Compatibility Map; or (2) assume a higher proportion of larger or noisier aircraft. However, normal growth in airport activity—that is, growth that is not induced by proposed new facilities or procedures—projected to occur over a more extended time period than is the basis for this *Compatibility Plan* shall not be considered an inconsistency even if larger noise contours result.

4.3.2. *Noise Impacts of Airport Expansion:* Any proposed expansion of airport facilities 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 plan, a noise increase shall be considered significant if:

- (a) In locations having an existing ambient noise level of CNEL 55 dB or less, the project would increase the noise level by 3.0 dB or more.
- (b) In locations having an existing ambient noise level of more than CNEL 55 dB, the project would increase the noise level by 1.5 dB or more.

4.3.3. *Consistency Determination:* The ALUC shall determine whether the proposed airport plan or development plan is consistent with this *Compatibility Plan*. 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 *Compatibility Plan*.
- (b) Consideration of:
 - (1) Mitigation measures incorporated into the plan or project to reduce any increases in the noise, safety, airspace protection, and overflight impacts to a less-than-significant level in accordance with provisions of 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 project proponent in accordance with provisions of CEQA.
- (c) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *Compatibility Plan* with respect to that airport (see Policy 1.2.8 for definition of aviation-related use).

5. BASIS OF COMPATIBILITY CRITERIA

5.1. Noise

- 5.1.1. *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.
- 5.1.2. *Measures of Noise Exposure:* The magnitude of the exposure of lands around Calaveras County Airport to airport-related noise shall primarily be described in terms of CNEL. In accordance with Policy 5.1.4, single-event noise levels may also be considered in assessing the compatibility of highly noise-sensitive land uses.
 - (a) The noise contours shall depict the greatest annualized noise impact, measured in terms of CNEL, anticipated to be generated by the airport over the planning time frame. In accordance with state law, the planning time frame utilized in this *Compatibility Plan* extends at least 20 years into the future.
 - (b) The noise contours depicted in Chapter 3 and used in preparation of Map 1 were created for this *Compatibility Plan* based upon data supplied by the county of Calaveras as operator of the airport. The data is summarized in Chapter 3. The ALUC should periodically review the projected CNEL contours and update them if appropriate.
- 5.1.3. *Factors Considered in Setting Noise Compatibility Criteria:* Factors considered in setting the criteria include the following:
 - (a) Established federal and state regulations and guidelines.
 - (b) The ambient noise levels in the community. Ambient noise levels influence the potential intrusiveness of aircraft noise upon a particular land use and vary greatly between rural, suburban, and urban communities.
 - (c) The extent to which noise would intrude upon and interrupt the activity associated with a particular use.

- (d) The extent to which the activity itself generates noise.
 - (e) The extent of outdoor activity associated with a particular land use.
 - (f) The extent to which indoor uses associated with a particular land use may be made compatible with application of sound attenuation in accordance with Policy 3.2.2.
- 5.1.4. *Single-Event Noise Levels:* 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. Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. Acoustical studies or on-site noise measurements may be required to assist in determining the compatibility of sensitive uses. 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 Calaveras County Airport should be considered in the review process including in locations beyond the mapped noise contours. The compatibility evaluations in Table 1 reflect single-event noise concerns.

5.2. Safety

- 5.2.1. *Policy Objective:* The intent of land use safety compatibility criteria 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 when they occur. Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered. (Note that land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section 5.3.)
- 5.2.2. *Measures of Risk Exposure:* For the purposes of this *Compatibility Plan*, the risk that potential aircraft accidents pose to lands around Calaveras County Airport shall be defined in terms of the geographic distribution of where accidents are most likely to occur. 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 similar airports nationally, refined with respect to information about the types and patterns of aircraft usage at the individual airport. This methodology, as further described in Appendix C, is a factor in delineation of the compatibility zones for Calaveras County Airport shown in Map 1.
- 5.2.3. *Factors Considered in Setting Safety Compatibility Criteria:* The principal factors considered in setting criteria applicable within each compatibility zone are:
- (a) The locations, delineated with respect to the airport runway, where aircraft accidents near general aviation airports typically occur and the relative concentration of accidents within these locations. The most stringent land use controls shall be applied to the areas with the greatest potential risks. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook*.
 - (b) The runway length, approach categories, normal flight patterns, and aircraft fleet mix at Calaveras County Airport. These factors are reflected in the compatibility zone shapes and sizes. The safety component of the compatibility zones for Calaveras

County Airport depicted in Map 1 is based upon zones suggested in the *California Airport Land Use Planning Handbook*.

- 5.2.4. *Land Uses of Special Concern:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern and the nature of the concern are listed below. Table 1 indicates 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, i.e., allowed only if an alternative site outside the zone would not serve the intended function. 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. The primary uses in this category are:
 - (1) Children’s schools (grades K–12).
 - (2) Day care centers (facilities with 15 or more children, as defined in the California Health and Safety Code).
 - (3) Hospitals, health care centers, and similar facilities, especially where patients remain overnight.
 - (4) Nursing homes.
 - (5) Inmate facilities.
 - (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. Facilities in this category include:
 - (1) Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment elsewhere.
 - (2) Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use.
 - (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. Among these facilities are:
 - (1) Emergency services facilities such as police and fire stations.
 - (2) Emergency communications facilities; power plants, and other utilities.
- 5.2.5. *Limits on Clustering:* As used in this *Compatibility Plan*, “clustering” refers to the concentration of development (measured in terms of dwellings or people per acre) into a portion of the site, leaving other portions of the site relatively less developed or as open land. To a degree, clustering of development can be desirable from an airport land use safety compatibility perspective if more places where an aircraft can attempt an emergency landing potentially remain. However, clustering can pose greater risks that an aircraft could strike the location where the development is clustered. To guard against this risk, limitations on the

maximum concentrations of dwellings or people in a small area of a large project site are established in Table 1.

5.3. Airspace Protection

- 5.3.1. *Policy Objective:* Airspace protection compatibility policies seek to prevent creation of land use features that can be hazards to the airspace required by aircraft in flight and have the potential for causing an aircraft accident to occur.
- 5.3.2. *Measures of Hazards to Airspace:* In evaluating the airspace protection compatibility of proposed development near Calaveras County Airport, three categories of hazards to airspace shall be taken into account: physical, visual, and electronic.
- (a) The height of structures and other objects situated near the airport are a primary determinant of physical hazards to the airport airspace.
 - (b) Land use features that have the potential to attract birds and certain other wildlife to the airport area are also to be evaluated as a form of physical hazards.
 - (c) Visual hazards of concern include certain types of lights, sources of glare, and sources of dust, steam, or smoke.
 - (d) Electronic hazards are ones that may cause interference with aircraft communications or navigation.
- 5.3.3. *Factors Considered in Setting Airspace Protection Compatibility Criteria:* In establishing airspace protection policies, the ALUC relies upon regulations enacted by the Federal Aviation Administration (FAA) and the state of California. The ALUC policies are intended to help implement the federal and state regulations. Specific regulations are referenced in Section 3.4 of this chapter.
- (a) The FAA has well-defined standards by which potential hazards to flight, especially airspace obstructions, can be assessed. However, the agency has no authority to prevent creation of such hazards. That authority rests with state and local government.
 - (b) State airspace protection standards mostly mirror those of the FAA. A key difference is that state law gives the California Department of Transportation, Division of Aeronautics and local agencies the authority to enforce the standards.

5.4. Overflight

- 5.4.1. *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 impacts addressed by the policies in Section 3.5. Sensitivity to aircraft overflights varies from one person to another.
- (a) The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.
 - (b) Unlike the function of the noise, safety, and airspace protection compatibility policies in this *Compatibility Plan*, overflight compatibility policies do not restrict the manner in which land can be developed or used. The policies serve only to establish the form

and requirements for notification about airport proximity and aircraft overflights to be given in conjunction with local agency approval of new development and with certain real estate transactions involving existing development. The boundaries of the overflight zones around Calaveras County Airport are shown on Map 1.

- 5.4.2. *Measures of Overflight Exposure:* The loudness of individual aircraft noise events is a key determinant of where airport proximity and aircraft overflight notification is warranted. The FAA has determined that overflight exposure is not significant where aircraft are flying at an altitude of 3,000 feet or more above ground level. The boundary of the overflight area for Calaveras County Airport as depicted in Exhibit 6 of Chapter 3 is drawn to encompass locations where aircraft approaching and departing the airport typically fly at altitudes ranging from the runway elevation up to slightly above the traffic pattern altitude.
- 5.4.3. *Factors Considered in Setting Overflight Compatibility Criteria:* These factors include:
 - (a) Limitations of ALUC authority over existing land uses. To be most effective, overflight policies should apply to transactions involving existing land uses, not just future development. However, the ALUC only has authority to set requirements for new development and to define the boundaries within which real estate transfer disclosure under state law is appropriate.
 - (b) Limitations of state real estate transfer disclosure law. State law applies to existing development, but not to all transactions (see Policy 5.4.4).
 - (c) Need for continuity of notification to future property owners and tenants. To the extent that the ALUC sets notification requirements for new development, the policy should ensure that the notification runs with the land and is provided to prospective future owners and tenants.
 - (d) 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.
- 5.4.4. *State Law Requirements Regarding Real Estate Transfer Disclosure:* Effective January 1, 2004, California state statutes (Business and Professional Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353) require that, as part of many residential real estate transactions, information be disclosed regarding whether the property is situated within an airport influence area.
 - (a) 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.
 - (b) The statutes define an *airport influence area* as “the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.” The area within which the ALUC deems airport proximity disclosure to be appropriate for the Calaveras County Airport is identified on Map 1 – Compatibility Map.

- (c) Where disclosure is required, the state statutes dictate that the following statement shall be provided:

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

Land Use Category ¹	Compatibility Zone						Additional Criteria ²
	A	B1	B2	C	D	E	
	Multiple land use categories and compatibility criteria may apply to a project						
Max. Sitewide Average Intensity (people/acre) ³	10	30	80	60	200	no	Additional conditions listed below apply to uses listed as “Conditional” (yellow)
Max. Single-Acre Intensity (people/acre)	20	60	200	150	500	limit	
General Characteristics							
Any use having more than 3 habitable floors							
Any use having structures or trees 35 to 100 feet in height							B1: Ensure airspace obstruction does not occur (see Map 2)
Any use having structures or trees more than 100 feet in height							B1, C, D, E: Ensure airspace obstruction does not occur (see Map 2)
Any use having the potential to cause an increase in the attraction of birds or other wildlife							B1, B2, C, D, E: Mitigation must be provided consistent with FAA rules and regulations ⁴
Any use creating visual or electronic hazards to flight ⁵							
Outdoor Uses (limited or no activities in buildings)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA ⁶
Water: flood plains, wetlands, lakes, reservoirs							A: Objects above runway elevation not allowed in OFA ⁶ All: Avoid new features that attract more birds
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land							A: Not allowed in OFA ⁶ All: Avoid crops that attract birds
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables							B1, B2, C: Avoid uses that attract birds
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos							E: Allowed only if alternative site outside zone would not serve intended function
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas							C: Avoid if intended for noise-sensitive uses
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges							B1, B2, C: Ensure intensity criteria met
Local Parks: children-oriented neighborhood parks, playgrounds							C: Allowed only if alternative site outside zone would not serve intended function
Camping: campgrounds, recreational vehicle/motor home parks							C: Ensure intensity criteria met
Cemeteries (except chapels)							
Residential and Lodging Uses							
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns							B1, B2: Portions of parcel including accessory buildings can be in zone; dwelling must be outside of zone C: Maximum 1 d.u./10 acres D: Maximum 1 d.u./5 acres
Multi-Family Residential							

Table 1

Compatibility Criteria

Calaveras County Airport

Land Use Category ¹ Multiple land use categories and compatibility criteria may apply to a project	Compatibility Zone						Additional Criteria ² <i>Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green)</i> Additional conditions listed below apply to uses listed as "Conditional" (yellow)
	A	B1	B2	C	D	E	
Max. Sitewide Average Intensity (people/acre) ³ Max. Single-Acre Intensity (people/acre)	10 20	30 60	80 200	60 150	200 500	no limit	
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories							
Short-Term Lodging (≤30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]							C: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities							
Educational and Institutional Uses							
Family day care homes (≤14 children)							C, D: Only small family care homes (≤8 children) as permitted by state law ⁷
Children's Schools: K-12, day care centers (>14 children); school libraries							
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]							C: Ensure intensity criteria met
Community Libraries [approx. 100 s.f./person]							
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas							E: Allowed only if alternative site outside zone would not serve intended function
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]							D: Allowed only if alternative site outside zone would not serve intended function
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]							D: Ensure intensity criteria met
In-Patient Medical: hospitals, mental hospitals							D: No new sites or land acquisition; replacement/expansion of existing facilities limited to existing size
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]							C: Ensure intensity criteria met
Penal Institutions: prisons, reformatories							
Public Safety Facilities: police, fire stations							B1, C: Allowed only if alternative site outside zone would not serve intended public function B2: Allowed only if airport serving
Commercial, Office, and Service Uses							
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]							D: Ensure intensity criteria met; capacity <1,000 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]							C: Ensure intensity criteria met; capacity <150 people per bldg; evaluate eating/drinking areas separately if >10% of total floor area
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]							D: Ensure intensity criteria met; capacity <500 people per bldg

Table 1, continued

Land Use Category ¹ Multiple land use categories and compatibility criteria may apply to a project	Compatibility Zone						Additional Criteria ² <i>Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green)</i> Additional conditions listed below apply to uses listed as "Conditional" (yellow)
	A	B1	B2	C	D	E	
Max. Sited Average Intensity (people/acre) ³ Max. Single-Acre Intensity (people/acre)	10 20	30 60	80 200	60 150	200 500	no limit	
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]							B1, B2: Design site to place parking inside and bldgs outside of zone if possible B1, B2, C: Ensure intensity criteria met
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]							B1, B2, C: Ensure intensity criteria met B1: Allowable only if <60 people per bldg
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]							B1, B2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking & transportation terminals							B2: Allowable only for aircraft fueling
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production: oil refineries, chemical plants							E: Allowed only if site outside zone would not serve intended function
Heavy Industrial							C, D: Avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]							B1, B2, C: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]							B1, B2: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research & Development [approx. 300 s.f./person]							C, D: Ensure intensity criteria are met; avoid bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]							B1: Ensure intensity criteria are met
Outdoor Storage: public works yards, automobile dismantling							
Mining & Extraction							
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Rail & Bus Stations							B1, B2: Allowed only if site outside zone would not serve intended public function
Transportation Routes: road & rail rights-of-way, bus stops							A: Not allowed in Object Free Area ² ; avoid road intersections if traffic congestion occurs

Table 1, continued

Land Use Category ¹ Multiple land use categories and compatibility criteria may apply to a project	Compatibility Zone						Additional Criteria ² <i>Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green)</i> Additional conditions listed below apply to uses listed as "Conditional" (yellow)
	A	B1	B2	C	D	E	
Max. Sitewide Average Intensity (people/acre) ³ Max. Single-Acre Intensity (people/acre)	10 20	30 60	80 200	60 150	200 500	no limit	
Auto Parking: surface lots, structures							
Communications Facilities: emergency communications, broadcast & cell towers							B2, C, D: Allowed only if site outside zone would not serve intended public function
Power Plants							E: Allowed only if site outside zone would not serve intended public function
Electrical Substations							C: Allowed only if site outside zone would not serve intended public function
Wastewater Facilities: treatment, disposal							
Solid Waste Disposal Facilities: landfill, incineration							E: Allowed only if site outside zone would not serve intended public function
Solid Waste Transfer Facilities, Recycle Centers							

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

Notes

- ¹ Land uses not specifically listed shall be evaluated using the criteria for similar uses. Assumed occupancy levels (square feet / person) cited for many listed uses can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use.
- ² Dedication of an aviation easement is required as a condition for approval of any proposed development, except ministerial actions associated with modification of existing single-family residences, situated on a site that lies completely or partially within any of the following: Compatibility Zones A, B1, B2, or C; or, as defined by FAR Part 77 and shown on Map 2 – Airspace Protection, the area beneath the approach or transitional surfaces or an area situated at an elevation that penetrates or is less than 35 feet below any other airspace protection surface. Recorded overflight notification is required for all residential development in the remainder of the airport influence area (except Zone E).
- ³ Usage intensity calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. Local agencies may make exceptions for rare special events (e.g., an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
- ⁴ No proposed use 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 Order 5200.5A, Waste Disposal Sites on or Near Airports, and Advisory Circular 150/5200-33, Hazardous Wildlife Attractants On or Near Airports. Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight.
- ⁵ 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.
- ⁶ Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway.
- ⁷ Small family day care homes provide family day care for eight or fewer children (Health and Safety Code Section 1596.78).

Table 1, continued

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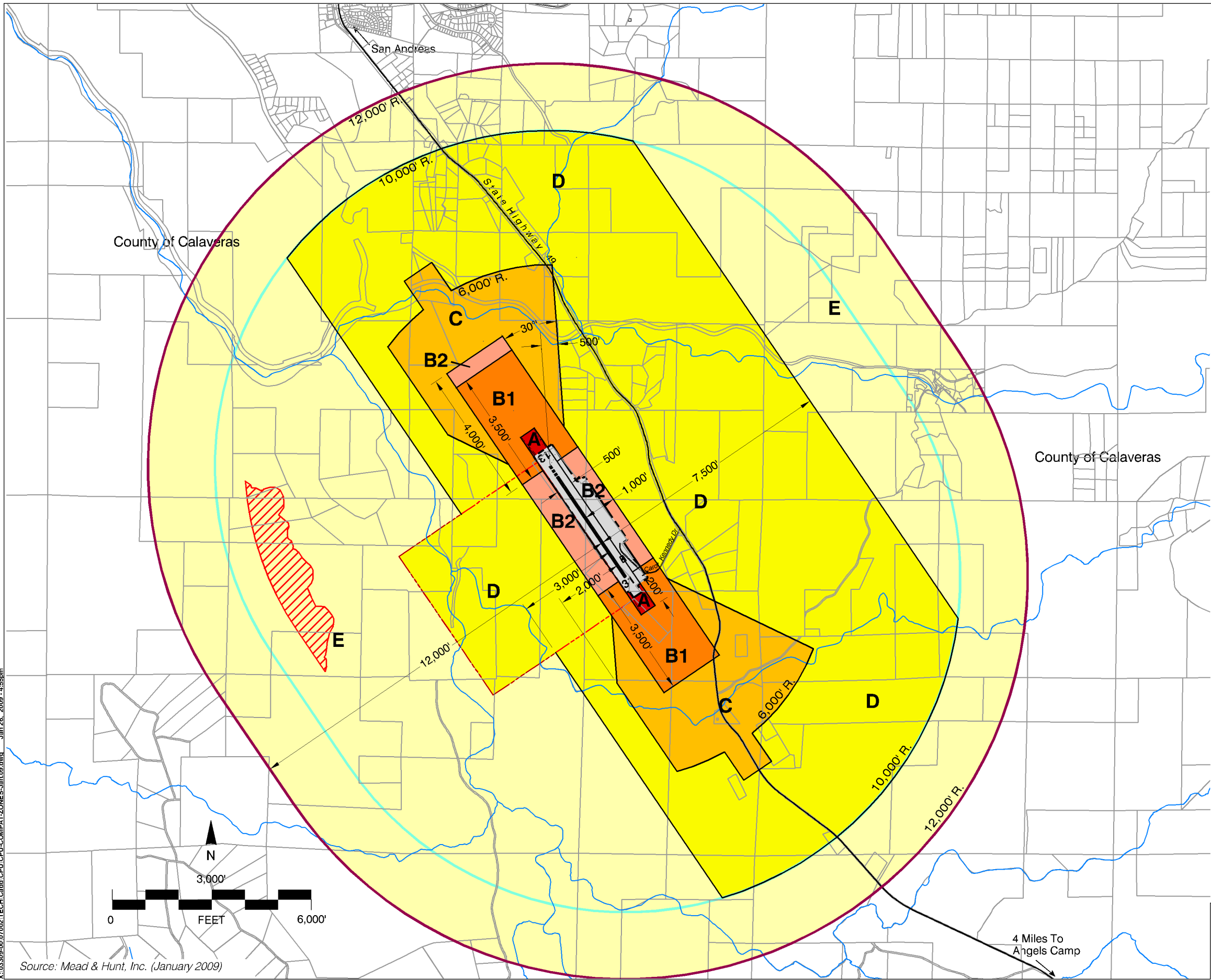
Zone/Location	Noise and Overflight Factors	Safety and Airspace Protection Factors
A Runway Protection Zone and within Building Restriction Line	<i>Noise Impact: Very High</i> <ul style="list-style-type: none"> ▶ Mostly above CNEL 65 dB 	<i>Risk Level: Very High</i> <ul style="list-style-type: none"> ▶ Lateral to runway, zone boundary defined by the Building Restriction Line as depicted on adopted Airport Layout Plan drawing ▶ Length set to include Runway Protection Zones as indicated on Airport Layout Plan drawing ▶ Nearly 40% of off-runway general aviation accidents near airports occur in this zone
B1 Inner Approach/ Departure Area	<i>Noise Impact: High</i> <ul style="list-style-type: none"> ▶ Mostly above CNEL 60 dB ▶ Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open 	<i>Risk Level: High</i> <ul style="list-style-type: none"> ▶ Encompasses areas overflowed by aircraft at low altitudes—typically only 200 to 400 feet above runway ▶ Some 10% to 20% of off-runway general aviation accidents near airports take place here ▶ Object heights restricted to <50 feet in some areas
B2 Outer Departure Area and Adjacent to Runway	<i>Noise Impact: Moderate to High</i> <ul style="list-style-type: none"> ▶ Encompasses CNEL 55 dB ▶ Area lateral to runway exposed to loud single-event noise from takeoffs and jet thrust-reverse on landing; also from pre-flight run-ups 	<i>Risk Level: Low to Moderate</i> <ul style="list-style-type: none"> ▶ Aircraft over outer departure area mostly above 400 feet; area is beyond highest concentration of risks ▶ Area lateral to runway not normally overflowed by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff ▶ Lateral to runway, about 3% of off-runway general aviation accidents near airports happen in this zone ▶ Lateral to runway, object heights restricted to as little as 35 feet
C Extended Approach/ Departure Area	<i>Noise Impact: Moderate</i> <ul style="list-style-type: none"> ▶ Encompasses CNEL 50 dB contour beyond runway ends ▶ Aircraft typically below 1,000 feet altitude on arrival; individual events occasionally loud enough to intrude upon indoor activities 	<i>Risk Level: Moderate</i> <ul style="list-style-type: none"> ▶ Includes areas where aircraft: <ul style="list-style-type: none"> › Turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude › On departure, normally complete transition from takeoff power and flap settings to climb mode and begin turns to en route heading › On an instrument approach procedure, have descended below about 500 feet AGL ▶ Some 10% to 15% of off-runway general aviation accidents near airports occur in this zone ▶ Object heights restricted to as little as 50 feet
D Primary Traffic Patterns	<i>Noise Impact: Moderate</i> <ul style="list-style-type: none"> ▶ Mostly beyond CNEL 50 dB contour ▶ Aircraft at or above traffic pattern except for instrument approaches ▶ Zone includes aerobatic box ▶ Individual loud events potentially disruptive 	<i>Risk Level: Low</i> <ul style="list-style-type: none"> ▶ Aircraft on instrument approaches below 1,000 feet ▶ About 20% to 30% of general aviation accidents take place in this zone, but large area encompassed means low likelihood of accident occurrence in any given location ▶ Risk concern is primarily with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area) ▶ Object height limits generally at least 100 feet
E Other Airport Environs	<i>Noise Impact: Low</i> <ul style="list-style-type: none"> ▶ Beyond CNEL 50 dB contour ▶ Occasional overflights intrusive to some outdoor activities 	<i>Risk Level: Low</i> <ul style="list-style-type: none"> ▶ Only 10% to 15% of near-airport accidents here ▶ Risk concern only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)
 High Terrain Areas	<i>Noise Impact: Low</i> <ul style="list-style-type: none"> ▶ Individual noise events slightly louder because high terrain reduces altitude of overflights 	<i>Risk Level: Moderate</i> <ul style="list-style-type: none"> ▶ Modest risk because high terrain constitutes airspace obstruction ▶ Concern is tall single objects (e.g., antennas)

Table 2

Compatibility Zone Factors

Calaveras County Airport

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Legend

Boundary Lines

- Airport Property
- Existing Runway Protection Zone
- Future Runway Protection Zone
- Runway 13-31 Length: 3,602'
- Future Runway 13 Extension Length: 398'
- Aerobatics Activity Area
- Airport Influence Area
- FAA Height Notification Area
- High Terrain Zone

Compatibility Zones

- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E

Notes

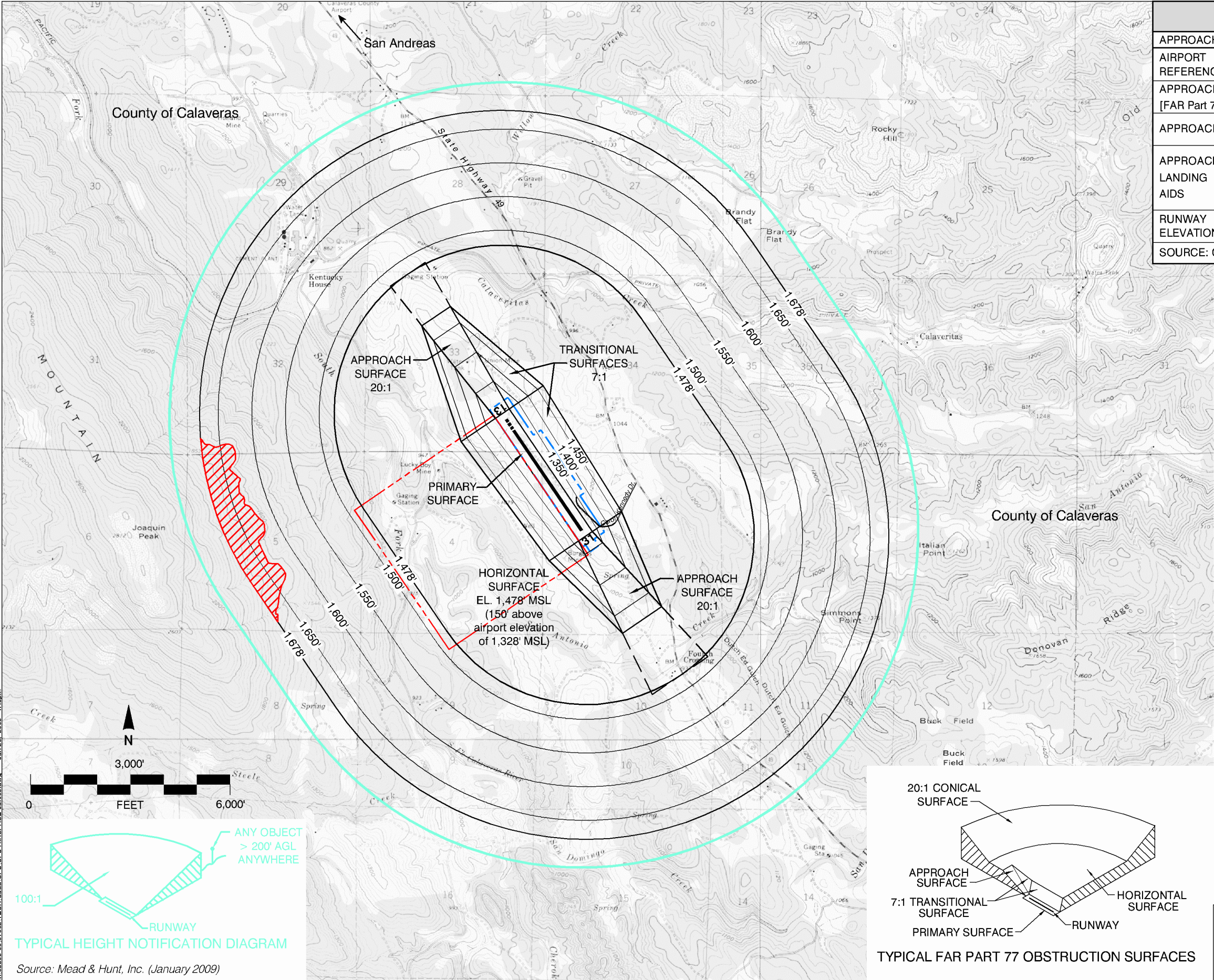
1. See Table 1 for applicable criteria.

Calaveras County Airport
Land Use Compatibility Plan
(January 2009 Draft)

Map 1

Compatibility Policy Map
Calaveras County Airport

Source: Mead & Hunt, Inc. (January 2009)



RUNWAY END DATA			
APPROACH END OF RUNWAY:		13	31
AIRPORT REFERENCE CODE	Existing	B-I (Small)	
	Future	No Change	
APPROACH TYPE [FAR Part 77 Category]	Existing	Visual [A(V)]	Nonprecision [A(NP)]
	Future	No Change	No Change
APPROACH VISIBILITY	Existing	Visual	1-1/4 Stat. Mile
	Future	No Change	No Change
APPROACH and LANDING AIDS	Visual	Existing	None
		Future	No Change
	Electronic	Existing	None
		Future	No Change
RUNWAY ELEVATIONS	Existing	1,305' (Low end)	1,328' (High end)
	Future	1,303' est.	No Change
SOURCE: Calaveras County Airport Layout Plan (April 2004).			

Legend

- Boundary Lines
- Airport Property
 - Aerobatic Box
 - Runway 13-31
 - Existing: 3,602'
 - Future: 4,000'
- Airspace Protection Surfaces
- FAA Height Notification Area
 - FAR Part 77 Obstruction Surfaces
 - FAR Part 77 Terrain Penetrations

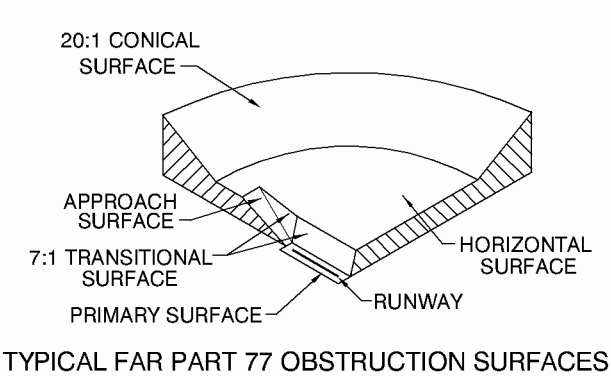
Notes

- Airport elevation is 1,328 feet mean sea level (MSL). Vertical datum is NAVD88.
- FAA Height Notification Area: Based on FAR Part 77, Subpart B, which requires that the FAA be notified of any proposed construction or alteration having a height greater than an imaginary surface extending 100 feet outward and 1 foot upward (slope of 100 to 1) for a distance of 20,000 feet from the nearest point of any runway. Beyond this boundary, any object taller than 200 feet requires FAA notification.
- FAR Part 77 Obstruction Surfaces: Based on FAR Part 77, Subpart C, which establishes standards for determining obstructions to air navigation.
- All compatibility factors keyed to future runway length of 4,000 feet.
- Basemap: U.S.G.S. 7.5' Topographic Maps. Angels Camp (1973), Calaveritas, Salt Springs Valley, and San Andreas (1962).

Calaveras County Airport
Land Use Compatibility Plan
(January 2009 Draft)

Map 2

Airspace Protection Surfaces
Calaveras County Airport



Chapter 3

Background Data: Calaveras County Airport and Environs



Background Data: Calaveras County Airport and Environs

INTRODUCTION

Calaveras County Airport is located within an unincorporated area of west-central Calaveras County, California, 4 miles southeast of San Andreas and 8 miles northwest of Angel City, also known as Angels Camp. San Andreas is an unincorporated community of about 3,000 residents and is the Calaveras County seat. The airport site is situated at an elevation of 1,328 feet above Mean Sea Level (MSL), on a ridge line of the Sierra Nevada foothills. Hogback Ridge borders the valley to the west and Joaquin Peak, its highest point at 2,800 feet MSL, lies less than 2 miles from the airport.

Airport

The current airport was constructed in the early 1980s to replace a smaller county airport on the edge of San Andreas. The new facility is named for Maury Rasmussen, a local pilot, lumber mill owner, and ski resort developer. He was instrumental in obtaining funding and promoting construction of the new airport, but died shortly before the airport opened. Today, Calaveras County Airport is a 93-acre facility with 83 acres owned by Calaveras County and the remaining land owned by the U.S. Bureau of Land Management and leased to the county. The airport is a small general aviation facility with a single 3,602-foot runway (Runway 13-31) that runs along the ridge in a northwest-southeast direction. A full-length taxiway parallels the eastern side of the runway.

The runway is equipped with Medium-Intensity Runway Lights (MIRLs), runway threshold lights, a visual approach slope indicator (VASI) serving Runway 31, as well as a straight-in GPS approach to Runway 31 (from the south) with visibility minimum of 1¼ miles. There are published noise abatement procedures for departures from Runway 31 to the north which require aircraft to reach an altitude of 500 feet above ground level before turning right (northeast) towards the community of San Andreas. The Airport Layout Plan (ALP), which was approved by the Federal Aviation Administration (FAA) in April 2004, shows a future 398-foot extension of the approach end of Runway 13 to the north for an ultimate runway length of 4,000 feet.

The airport has 43 hangar spaces and 64 tiedowns. Planned facility improvements include the addition of 22 new T-hangars on the northeast portion of the airport. A summary of information about the airport is included in Exhibit 1 and a copy of the FAA-approved ALP is provided in Exhibit 2.

Aircraft Activity

The current (2008) aircraft activity level at Calaveras County Airport is estimated to be approximately 30,000 annual operations. An aircraft operation is defined as a landing or a takeoff. The majority (85%) of the activity is conducted by small, single-engine aircraft. Other types of aircraft, including multi-engine piston aircraft and, to a lesser extent, transient jets and helicopters, use the airport on a limited basis. The majority of the helicopter activity is generated by the Calaveras County Sheriff's Department, Air National Guard, and air ambulance companies.

The airport is home to approximately 77 based aircraft. New hangars are planned that would increase the airport capacity to about 100 aircraft. The steep terrain on which the airport is built greatly constrains expansion beyond that amount. Growth in aircraft operations thus will be similarly limited. For the purposes of this *Compatibility Plan*, an estimated 40,000 annual operations are forecasted as the maximum activity level likely to be reached within the 20-year timeframe of the plan. Current and future aircraft activity data are presented in Exhibit 3.

Airport Environs

Existing land uses around Calaveras County Airport consist mostly of open rangelands. Residential uses are widely scattered except to the north along Highway 49 at the edge of San Andreas. A few commercial and industrial uses are located south and east of the airport. Unimproved mining lands are located to the west.

All of the land within the vicinity of the airport lies within the unincorporated area of Calaveras County. Land use decisions are guided by the county's 1996 *General Plan* which was last amended in May 2005. The *General Plan* land use designations for the areas surrounding the airport largely match the uses that currently exist. Land uses designations include Agricultural Preserve, Mineral Resource, Commercial, and Industrial. Very-low-density residential uses are permitted within the airport environs. Calaveras County is in the process of updating its *General Plan*. Adoption of the new *General Plan* is anticipated late in 2009.

In 1992, the County Board of Supervisors adopted the *Calaveras County Airport Land Use Plan* as the Airport Special Plan. The plan provides compatibility policies and standards for land use development within the Airport Land Use Planning Boundary which is defined by the Community Noise Equivalent Level (CNEL) 55 dB noise contour and the outer limits of the Federal Aviation Regulations (FAR) Part 77 horizontal surface. CNEL is the noise rating adopted by the state of California for measuring airport noise.

Data regarding existing and planned land uses in the Calaveras County Airport environs are summarized in Exhibit 4. Exhibit 5 maps the land use designations indicated in the Airport Special Plan.

Compatibility Factors

Exhibit 6 – Compatibility Factors maps the areas in the vicinity of Calaveras County Airport where noise, safety, airspace protection, and overflight impacts represent compatibility concerns. This information served as the basis for delineation of the compatibility zones shown on Map 1 – Compatibility Map in Chapter 2. Table 2, *Compatibility Zone Factors*, in Chapter 2 explains the manner in which the individual compatibility factors were combined to produce Map 1.

Information presented on the Exhibit 6 map includes the following:

- **Noise Factors:** The mapped noise contours, shown as green lines on the exhibit, represent the 20-year forecast of 40,000 annual aircraft operations. The contours were calculated using the Federal Aviation Administration Integrated Noise Model (INM) version 7.0a. An estimated 75% of aircraft using the airport operate on Runway 31, landing from the south and taking off toward the north. The noise contours thus extend farther to the north than to the south. The topography of the airport area was taken into account, a factor that, because the airport sits at a higher elevation than its surroundings, results in smaller noise contours than would occur if the terrain were level. Activity associated with the aerobatic flight box was not modeled as it occurs only a few times per year and does not follow predictable flight routes. However, this activity is a consideration with regard to the overflight factor as noted below. The critical contour for compatibility purposes (see Chapter 2) is the CNEL 55 dB contour, although the CNEL 50 dB contour is also shown.

- **Safety Factors:** The area of safety concern is depicted in Exhibit 6 using the generic safety zones from the *California Airport Land Use Planning Handbook* (January 2002) published by the California Division of Aeronautics. The generic safety zones (orange lines) translate nationwide aircraft accident distribution pattern data into a set of distinct zones with regular geometric shapes and sizes. See adjacent sidebar for safety zone descriptions.

Generic Safety Zones

- 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

The generic safety zones shown are for a general aviation runway with a length of less than 4,000 feet and approach visibility minimums of 1 mile or greater. Because the Calaveras County Airport runway is at the upper end of this range, the generic safety zones for runways in the 4,000-to-6,000-foot range, although not depicted, were also taken into account in development of the compatibility zones.

- **Airspace Protection Factors:** Federal Aviation Regulations (FAR) Part 77 establishes standards and notification requirements for objects affecting navigable airspace. Notification allows the FAA to evaluate the potential hazardous effect of proposed construction on air navigation and to identify mitigating measures to prevent or minimize the adverse impacts to the safe and efficient use of navigable airspace. FAR Part 77 airspace surfaces for Calaveras County Airport are depicted in Map 2 – Airspace Protection Surfaces in Chapter 2. Presented on Exhibit 6 are the outer boundary of the airspace protection surfaces (black line) and the boundary of the area within which notification to the FAA is required for structures exceeding a 100:1 slope from the runway (light blue line). Also shown (red hatched area) is the area west of the airport where the terrain penetrates the Part 77 surfaces.
- **Overflight Factors:** Areas regularly overflown by aircraft as the approach and depart the airport are shown as a blue shading on Exhibit 6. The standard traffic pattern at Calaveras County Airport is limited to the east side of the airport because of the high terrain to the west. Some aircraft may follow different routes, but approximately 80% of the airport overflights are estimated to take place within the area shown. Most small, propeller-driven aircraft fly relatively close to the airport. The outer portion of the traffic pattern envelope is used mainly by jet aircraft which represent only a tiny fraction of airport activity. The traffic pattern altitude is 1,000 feet above the airport elevation for small planes and 1,500 feet for jets. Also shown on the map (red shading) is the area west of the airport where aerobatic aircraft operate during scheduled events several times per year or fly to get to and from the aerobatic box. On the days when the aerobatic box is in use, people residing or working in these areas may be exposed to loud single-event noise generated by aircraft flying overhead.

<p>GENERAL INFORMATION</p> <ul style="list-style-type: none"> ➤ <i>Airport Ownership:</i> County of Calaveras ➤ <i>Property Size</i> <ul style="list-style-type: none"> ➤ Fee Title: 83 acres ➤ Lease from Bureau of Land Management: 10 acres ➤ Easements: none ➤ <i>Airport Classification:</i> General Aviation (GA) Airport ➤ <i>Airport Elevation:</i> 1,328 ft. MSL (surveyed) 	<p>AIRPORT PLANNING DOCUMENTS</p> <ul style="list-style-type: none"> ➤ <i>Airport Master Plan:</i> Adopted 1980, prior to airport construction ➤ <i>Airport Layout Plan Drawing</i> <ul style="list-style-type: none"> ➤ Approved by FAA, April 2004 ➤ <i>Airport Land Use Plan</i> <ul style="list-style-type: none"> ➤ Adopted by Calaveras County Airport Land Use Commission, July 1991
<p>RUNWAY/TAXIWAY DESIGN</p> <p>Runway 13-31</p> <ul style="list-style-type: none"> ➤ <i>Airport Reference Code:</i> B-I (Small) ➤ <i>Critical Aircraft:</i> Beech Baron ➤ <i>Dimensions:</i> 3,602 ft. long, 60 ft. wide ➤ <i>Pavement Strength (main landing gear configuration)</i> <ul style="list-style-type: none"> ➤ 12,500 lbs. (single wheel) ➤ <i>Average Gradient:</i> 0.6% (rising to south) ➤ <i>Runway Lighting:</i> Medium Intensity Runway Lights (MIRL) ➤ <i>Primary Taxiways:</i> Full-length parallel on east 	<p>TRAFFIC PATTERNS AND APPROACH PROCEDURES</p> <ul style="list-style-type: none"> ➤ <i>Airplane Traffic Patterns</i> <ul style="list-style-type: none"> ➤ Runway 13: Left traffic ➤ Runway 31: Right traffic ➤ Pattern Altitude: 2,328 ft. MSL (1,000 ft. AGL) ➤ <i>Instrument Approach Procedures</i> <ul style="list-style-type: none"> ➤ Runway 31 GPS <ul style="list-style-type: none"> • Straight-in and Circling: 1¼ statute miles visibility, 915 ft. above TDZE descent height ➤ <i>Approach Aids</i> <ul style="list-style-type: none"> ➤ Airport: Beacon, wind indicator, and segmented circle ➤ Runway 31: VASI (V4R), GPS ➤ <i>Airport Fly Neighborly Policy</i> <ul style="list-style-type: none"> ➤ Runway 31 departure, climb to 500' AGL before right turn
<p>BUILDING AREA</p> <ul style="list-style-type: none"> ➤ <i>Aircraft Parking Location</i> <ul style="list-style-type: none"> ➤ Building area east of airfield ➤ <i>Aircraft Parking Capacity</i> <ul style="list-style-type: none"> ➤ Hangar spaces: 4 3 ➤ Tie downs: 64 ➤ Helicopter parking: 2 ➤ <i>Other Facilities and Services</i> <ul style="list-style-type: none"> ➤ Fuel: 100LL ➤ Rental cars 	<p>APPROACH PROTECTION</p> <ul style="list-style-type: none"> ➤ <i>Existing Runway Protection Zones (RPZ)</i> <ul style="list-style-type: none"> ➤ Runway 13: 36% off property; uncontrolled ➤ Runway 31: 62% off property; uncontrolled ➤ <i>Approach Obstacles</i> <ul style="list-style-type: none"> ➤ Runway 13: 15 ft. tree, 660 ft. from runway, 150 ft. left of centerline, clear 30:1 slope
	<p>PLANNED FACILITY IMPROVEMENTS</p> <ul style="list-style-type: none"> ➤ <i>Runway 13-31</i> <ul style="list-style-type: none"> ➤ 397 ft. extension of Runway 13 to north for a total length of 4,000 ft. ➤ 76% of future RPZ for Runway 13 off property; uncontrolled ➤ <i>Building Area</i> <ul style="list-style-type: none"> ➤ 22 T-hangar spaces east of Runway 13

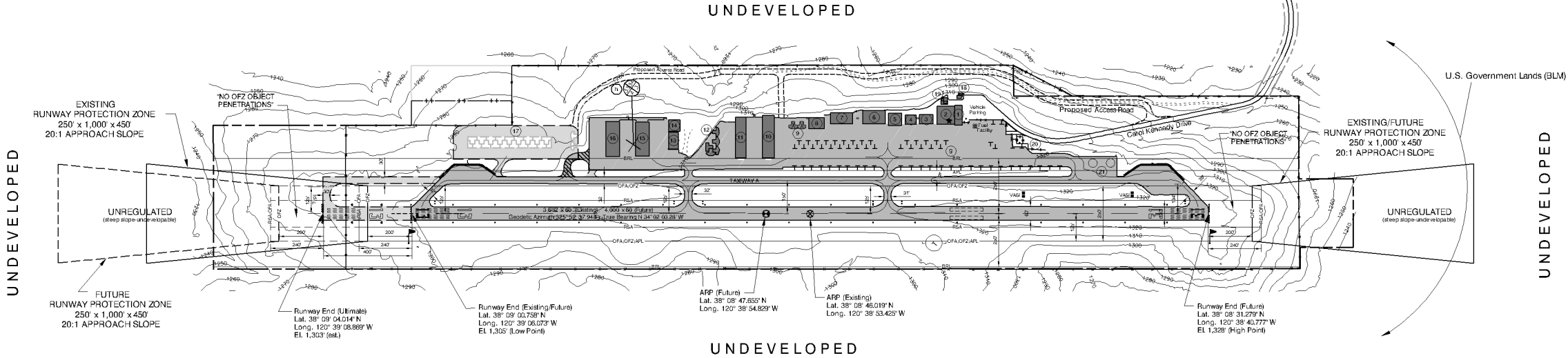
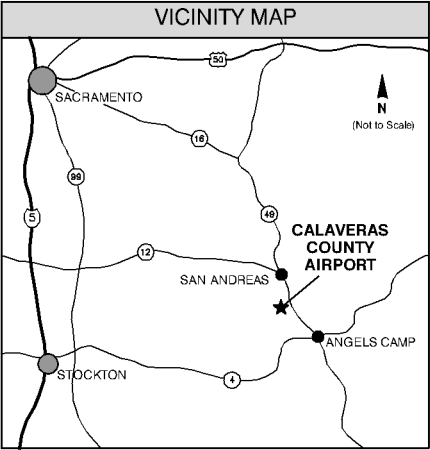
Exhibit 1

Airport Features Summary

Calaveras County Airport

RUNWAY DATA			
		RUNWAY 13-31	
		EXISTING	FUTURE
CRITICAL AIRCRAFT	AIRCRAFT	Beech Baron	No Change
	WINGSPAN	37.8	No Change
	APPROACH SPEED	96 kts.	No Change
	MAX. TAKEOFF WT.	5,500 lbs.	No Change
WIND COVERAGE		(8)	No Change
PHYSICAL LENGTH AND WIDTH		3,602' X 60'	4,000' X 60'
LINE OF SIGHT PROVIDED		Yes	No Change
MAXIMUM ELEVATION (Above Mean Sea Level)		1,328' (NAVD88)	No Change
EFFECTIVE GRADIENT (%)		0.06	No Change
MAXIMUM GRADIENT (%)		1.0	No Change
RUNWAY/TAXIWAY SURFACE TYPE		Asphalt	No Change
PAVEMENT STRENGTH (1,000#) - S/D/D/T (d)		12.5/-/-	No Change
RUNWAY SAFETY AREA (Width)		120'	No Change
RUNWAY SAFETY AREA (Length Beyond Runway End)	13	240'	No Change
	31	240'	No Change
OBJECT FREE AREA (Width)		250'	No Change
OBJECT FREE AREA (Length Beyond Runway End)	13	240'	No Change
	31	240'	No Change
OBSTACLE FREE ZONE (Width)		250'	No Change
OBSTACLE FREE ZONE (Length Beyond Runway End)	13	200'	No Change
	31	200'	No Change
APPROACH TYPE (FAA Part 77 Category)	Approach End of Runway	13 Visual [A(V)]	No Change
	31 Nonprecision [A(NP)]	No Change	
APPROACH VISIBILITY (Minimums)	Approach End of Runway	13 Visual	No Change
	31 1/4 Mile (straight-in)	No Change	
APPROACH SLOPE (Required/Clear)	Approach End of Runway	13 20:1 / > 20:1	No Change
	31 20:1 / > 20:1	No Change	
APPROACH AND LANDING AIDS	Approach End of Runway	13 None	No Change
	31 GPS/VASI(V4R)	No Change	
RUNWAY END COORDINATES (NAD83)	Approach End of Runway 13	Latitude 38° 09' 00.758" N	38° 09' 04.014" N
		Longitude 120° 39' 06.073" W	120° 39' 08.869" W
	Approach End of Runway 31	Latitude 38° 08' 31.279" N	No Change
		Longitude 120° 38' 40.777" W	No Change
RUNWAY END ELEVATIONS (NAVD88) (b)	13	1,305' (Low)	1,303' (est.)
	31	1,328' (High)	No Change
RUNWAY MARKING 13-31		Visual	Nonprecision
RUNWAY LIGHTING		MIRL	No Change
DISTANCE FROM RW 0 TO HOLD BARS		125' (min.)	No Change



AIRPORT DATA			
		EXISTING	FUTURE
AIRPORT REFERENCE CODE		B-1 (Small)	No Change
AIRPORT REFERENCE POINT (b)	Latitude	38° 08' 46.019" N	38° 08' 47.655" N
	Longitude	120° 38' 53.425" W	120° 38' 54.829" W
AIRPORT ELEVATION (Above Mean Sea Level)		1,328' (NAVD88)	No Change
MEAN MAX. TEMP. (Hottest Month) (c)		95.5° F (July)	No Change
AIRPORT AND TERMINAL NAVIGATIONAL AIDS		Rotating Beacon	No Change
GPS APPROACH ESTABLISHED		Yes	No Change
AIRPORT ACREAGE	Fee Simple	93±	95 ±
	Easement	0	No Change
	Tiedowns	64	No Change
AIRCRAFT PARKING SPACES	Hangar Units	43	67
	Helicopter Spaces	2	No Change



DRAWING LEGEND		
	EXISTING	FUTURE
ACTIVE AIRFIELD PAVEMENT		
OTHER PAVEMENT IN USE		
PAVEMENT TO BE REMOVED		
DIRT OR GRAVEL ROAD		
AIRPORT PROPERTY LINE		
COUNTY OWNED ROAD EASEMENT		
CRITICAL AIRFIELD AREAS *		
BUILDING		
BUILDING TO BE REMOVED		
FENCE		
AIRFIELD LIGHTS: SINGLE/GROUP/FLASHING		
BEACON		
UTILITY POLE / POWER LINE		
TOPOGRAPHIC CONTOURS		
AIRPORT REFERENCE POINT		
SECTION CORNER		
* applicable to the following:		
APL - Aircraft Parking Limits	CFA - Object Free Area	
BRL - Building Restriction Line	CFZ - Obstacle Free Zone	
RSA - Runway Safety Area	RPZ - Runway Protection Zone	

BUILDING AND FACILITY LEGEND	
	ELEVATION (NAVD88)
(1) ADMINISTRATION BUILDING	1,341'
(2) FIXED BASE OPERATOR	1,341'
(3) BOX HANGAR	1,335'
(4) BOX HANGAR	1,341'
(5) BOX HANGAR	1,338'
(6) BOX HANGAR	1,338'
(7) BOX HANGAR	1,341'
(8) BOX HANGAR	1,343'
(9) PORTABLE HANGARS	1,326'
(10) T-HANGARS	1,331'
(11) T-HANGARS	1,331'
(12) PORTABLE HANGARS	1,325'
(13) BOX HANGARS	1,328'
(14) BOX HANGARS	1,326'
(15) T-HANGARS	1,327'
(16) T-HANGARS	1,327'
(17) T-HANGARS (FUTURE)	1,415' est.
(18) ELECTRIC VAULT	1,325' est.
(19) CELLULAR TOWER	1,361'
(20) AUTOMATED WEATHER OBSERVING SYSTEM (AWOS)	1,338' est.
(21) HELICOPTER PARKING SPACES	N/A
NOTE: Elevations converted to NAVD88 and rounded to the nearest foot. (b)	

ALP NOTES	
(a)	Wind coverage is not provided due to insufficient wind data availability. Prevailing winds are from north-northwest.
(b)	Source of runway end coordinates and elevations: Nordahl Land Surveying (May 2003). Horizontal Datum is NAD83, Vertical Datum is NAVD88. Vertical elevations converted from NGVD29 to NAVD88; 2.48' added to elevations provided by Nordahl to bring elevations to NAVD88 Datum. Note contour elevations are in NGVD29 Datum.
(c)	Source: Western Regional Climate Center, Camp Pardee, Calif. Station, record period July 1948 to March 2003.
(d)	Source: FAA Airport Master Record (April 2003).
(e)	No Threshold Siting Surface object penetrations. Source data: FAA Airport Master Record (April 2003) and Nordahl Land Surveying (May 2003).
(f)	Basis of Bearings source Nordahl Land Surveying - Caltrans survey control points "CAL 49-303" and "CAL 49-304" for State Highway 49 adjacent to airport, and taken as N 39° 32' 30" W, 916.25' feet from Caltrans data. Elevations are based upon U.S.C. & G.S. Benchmark "T217 1935", elevation = 1043.92.
(g)	Building Restriction Line (BRL) set historically to provide clearance for a 17 building assuming Runway 13-31 had only visual approaches.
(h)	Only one section corner appears in airport vicinity.
(i)	Planned Development Staging: 0-5 years: New access road, T-hanger area and land acquisition 6-10 years: Runway and taxiway extension.

FAA Approval Space	SUBMITTED BY: County of Calaveras				
	By _____	Date _____			
		Hanger (7E) Construction	Calaveras County Planning Dept.	1987	
		Hanger (7D) Construction	Calaveras County Planning Dept.	1985	
	NO.	REVISION	PREPARER	DATE	
	CALAVERAS COUNTY - MAURY RASMUSSEN FIELD SAN ANDREAS, CALIFORNIA				
	AIRPORT LAYOUT PLAN				
			 707 Aviation Blvd., Santa Rosa, California 95403 - (707) 528-9010		
The preparation of these documents was financed in part through a planning grant from the Federal Aviation Administration as provided under Section 506 of the Airport and Airway Improvement Act of 1982, as amended. The contents do not necessarily reflect the official views or policy of the FAA. Acceptance of these documents by the FAA does not in any way constitute a commitment on the part of the United States to participate in any development depicted herein nor does it indicate that the proposed development is environmentally acceptable in accordance with appropriate public laws.					
DESIGN:	MS/CB	DRAWN:	TE	DATE: April 2004	
		SHEET	1	OF 1	

BASED AIRCRAFT			TIME OF DAY DISTRIBUTION		
	Current^a 2008	Future^b (2028)		Current^a 2008	Future^b (2028)
<i>Aircraft Type</i>			<i>Fixed-Wing Aircraft, excluding Jets</i>		
Single-Engine, Piston	75	93	Day (7am to 7pm)	75%	
Single-Engine Turboprop	0	2	Evening (7pm to 10pm)	10%	No Change
Twin-Engine, Piston	2	2	Night (10pm to 7am)	15%	Anticipated
Twin-Engine, Turboprop	0	2			
Business Jets	0	2	<i>Jets and Helicopter</i>		
Helicopters / Others	0	0	Day (7am to 7pm)	100%	
<i>Total</i>	<i>77</i>	<i>101</i>	Evening (7pm to 10pm)	0%	
			Night (10pm to 7am)	0%	
AIRCRAFT OPERATIONS			RUNWAY USE DISTRIBUTION		
	Current^a 2008	Future^b (2028)		Current^a 2008	Future^b (2028)
<i>Total</i>			<i>All Aircraft</i>		
Annual	30,000	40,000	Takeoffs		
Average Day (single-engine)	82	110	Runway 13	25%	
<i>Distribution by Aircraft Type</i>			Runway 31	75%	No Change
Single-Engine, Piston	85%	85%	Landings		Anticipated
Single-Engine, Turbo	<1%	<1%	Runway 13	25%	
Multi-Engine Piston	10%	6%	Runway 31	75%	
Multi-Engine Turbo	1%	3%			
Jet (Small)	2%	4%			
Helicopters	1%	1%			
<i>Distribution by Type of Operation^b</i>			FLIGHT TRACK USAGE^{a, c}		
<i>Total</i>			<i>Current (2008) and Future (2028)</i>		
Local	60%	55%	► Primary aircraft traffic pattern east of airport		
Itinerant	40%	45%	► Aerobatic activity west of airport (limited to scheduled events 2-4 times per year)		
<i>Local (incl. touch-&-goes)</i>			<i>Fixed-Wing Aircraft</i>		
Single-Engine, Piston	52%	52%	► Departures, Runways 13 & 31		
Single-Engine, Turbo	60%	50%	› 40% straight-out		
Multi-Engine, Piston	50%	50%	› 60% turn downwind		
Multi-Engine, Turbo	50%	50%	► Arrivals, Runways 13 & 31		
Jet (Small)	0%	0%	› 50% straight-in		
Helicopter	0%	0%	› 50% from downwind		
<i>Itinerant</i>			<i>Helicopters</i>		
Single-Engine, Piston	48%	48%	► Runway 31		
Single-Engine, Turbo	40%	50%	› Arrivals: 100% from south		
Multi-Engine, Piston	50%	50%	› Departures: 100% to north		
Multi-Engine, Turbo	50%	50%			
Jet (Small)	100%	100%			
Helicopter	100%	100%			
Notes					
^a Source: Calaveras County Airport Management					
^b Source: Estimated for compatibility planning purposes by Mead & Hunt, Inc. (March 2008)					
^c Source: Calaveras County Airport Users					

Exhibit 3

Airport Activity Data Summary

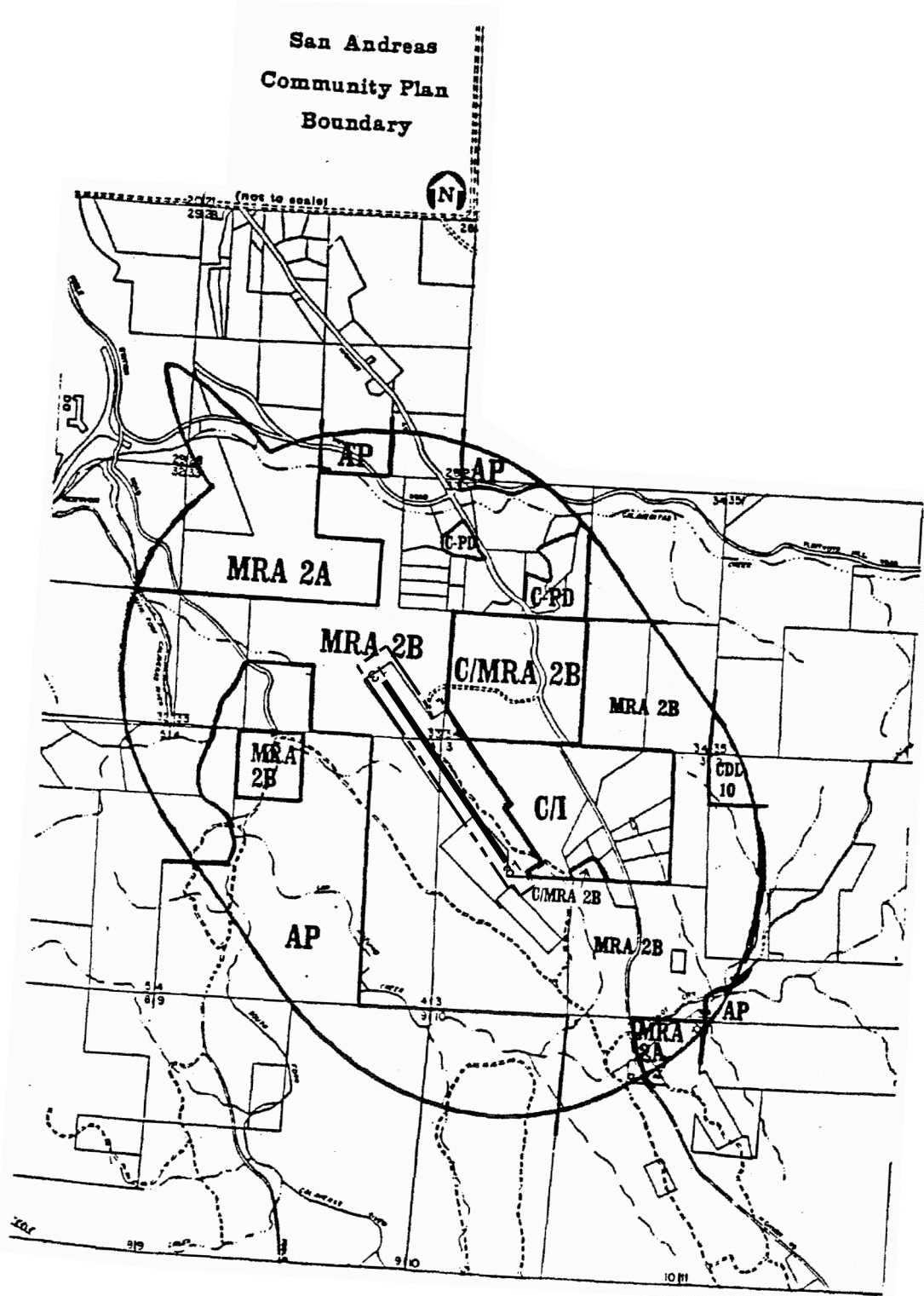
Calaveras County Airport

<p>AIRPORT SITE</p> <ul style="list-style-type: none"> ▶ <i>Location</i> <ul style="list-style-type: none"> › Western Calaveras County › 4 miles southeast of San Andreas › 8 miles northwest of Angels Camp › West of Highway 49 ▶ <i>Nearby Terrain</i> <ul style="list-style-type: none"> › Airport situated on ridge line above surrounding valley › Hilly terrain throughout area › Joaquin Peak, 2 miles west › Sierra Nevada Mountain range to east 	<p>AIRPORT ENVIRONS LAND USE JURISDICTIONS</p> <ul style="list-style-type: none"> ▶ <i>County of Calaveras</i> <ul style="list-style-type: none"> › Airport and environs within unincorporated county jurisdiction › City of Angels Camp beyond airport influence area › Unincorporated town of San Andreas borders north edge of airport influence area
<p>EXISTING AIRPORT AREA LAND USES</p> <ul style="list-style-type: none"> ▶ <i>General Character</i> <ul style="list-style-type: none"> › Open rangelands with scattered rural residences, industrial, commercial, and mining activities ▶ <i>Runway Approaches</i> <ul style="list-style-type: none"> › North (Runway 13): Undeveloped rangelands and rural residential land uses to the northeast › South (Runway 31): Undeveloped rangelands with industrial and commercial land uses to southeast 	<p>STATUS OF COMMUNITY PLANS</p> <ul style="list-style-type: none"> ▶ <i>County of Calaveras</i> <ul style="list-style-type: none"> › Calaveras County General Plan adopted December 1996; update in progress › Calaveras County Airport Land Use Plan (July 1991) adopted in 1992 as the Airport Special Plan
<p>ESTABLISHED AIRPORT COMPATIBILITY MEASURES</p> <ul style="list-style-type: none"> ▶ <i>Calaveras General Plan (1996)</i> <ul style="list-style-type: none"> › Airports: <ul style="list-style-type: none"> • Permit airports when safe and compatible with neighboring land uses (Policy III-16-A) • Require conditional use permits for all airports (Policy III-16B) • Prevent new land uses and zoning surrounding the County airport from creating future land use conflicts (Policy III-17A) › Noise: <ul style="list-style-type: none"> • Restrict the development of noise sensitive uses near identified major noise sources (Policy VI-1B) › Safety: <ul style="list-style-type: none"> • Assure that airports in the County do not adversely affect the safety of persons on the ground or the occupants of the aircraft (Policy VII-7A) 	<p>PLANNED AIRPORT AREA LAND USES</p> <ul style="list-style-type: none"> ▶ <i>County of Calaveras</i> <ul style="list-style-type: none"> › North: Mineral Resource › South: Commercial, Industrial, and Mineral Resource › East: Commercial, Industrial, and Residential › West: Mineral Resource and Agricultural Preserve <ul style="list-style-type: none"> ▶ <i>Airport Special Plan (1992)</i> <ul style="list-style-type: none"> › Noise: <ul style="list-style-type: none"> • Restrict residential uses within areas likely to generate noise complaints (Policy 1a) • Require noise notification for properties and uses within areas likely to generate noise complaints (Policy 1e) • Restrict uses which attract large numbers of people within areas likely to generate noise complaints. (Policy 1h) › Safety: <ul style="list-style-type: none"> • Restrict the types of uses permitted in the Clear Zones, Approach Zones, and Overflight Zones to limit the number of people permitted to occupy a given area and reduce hazards on the ground (Policy 2a) • Encourage development which incorporates open land into the project design (Policy 2e) • Aircraft Safety: <ul style="list-style-type: none"> • Restrict development which would penetrate navigable airspace (Policy 3a) › Land Use Designations: <ul style="list-style-type: none"> • Provide land use designations which are considered compatible with the operation of the airport within the Planning Boundaries (Policy 4a)

Exhibit 4

Airport Environs Information

Calaveras County Airport



Legend

Boundary Lines

- Airport Property
- Runway 13-31 Length: 3,602'

1996 Airport Special Plan Designations

- AP - Agriculture Preserve (50 acre density)
- MRA 2A - Mineral Resource Area (20 acre density)
- MRA 2B - Mineral Resource Area (10 acre density)
- CDL 10 - Community Development Land (10 acre density)
- C/I - Commercial or Industrial
- C/MRA 2B - Commercial or MRA 2B
- C-PD - Commercial-Planned Development

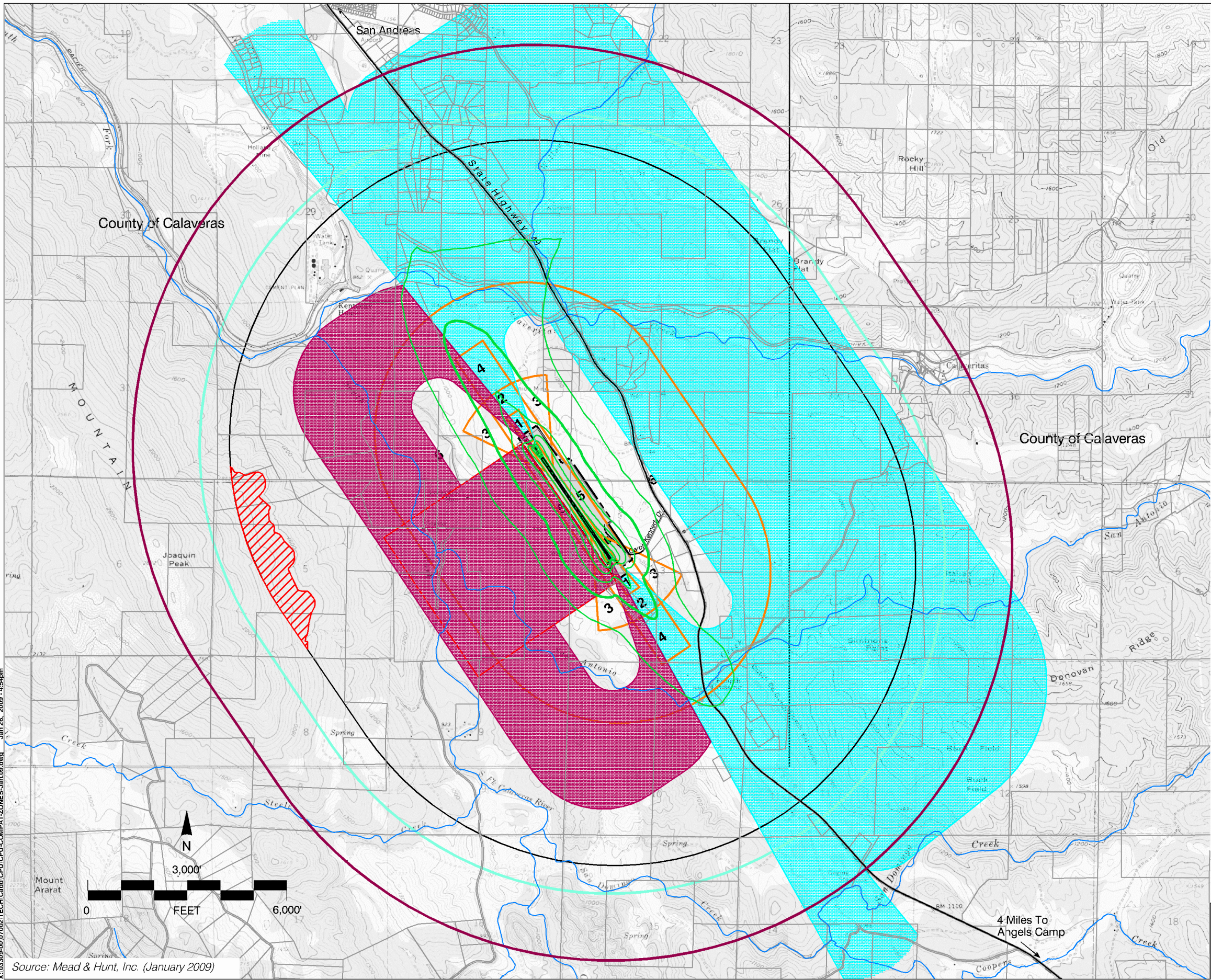
Notes

1. Basemap source: County of Calaveras General Plan (1996).
The Airport Land Use Planning Boundary is based on the Part 77 Horizontal Surface and the 55dB CNEL contour representing some 125,600 annual aircraft operations.

Calaveras County Airport
Land Use Compatibility Plan
(January 2009 Draft)

Exhibit 5

Land Use Map
Calaveras County Airport



Legend

Boundary Lines

- Airport Property
- Runway 13-31 Length: 3,602'
- Future Runway 13 Extension Length: 398'

Compatibility Factors¹

- Safety Zones² - Short General Aviation Runway (Zone 1=250' x 450' x 1,000' for each runway end)

General Traffic Pattern Envelope (Approx. 80% of aircraft overflights estimated to occur within these limits)

Aerobic Flight Envelope

Aerobic Box

FAA Height Notification Area

FAR Part 77 Conical Surface

FAR Part 77 Terrain Penetrations

Noise Exposure Contours³

- 50 dB CNEL
 - 55 dB CNEL
 - 60 dB CNEL
 - 65 dB CNEL
- Ultimate
40,000 Annual Operations
(110 Average Annual Day Operations)

Notes

- All compatibility factors keyed to future runway length of 4,000 feet.
- Safety Zone Source: California Airport Land Use Planning Handbook (2002).
- Noise contours and general flight track source: Mead & Hunt, Inc.
- Basemap: U.S.G.S. 7.5' Topographic Maps. Angels Camp (1973), Calaveritas, Salt Springs Valley, and San Andreas (1962).

Calaveras County Airport
Land Use Compatibility Plan
(January 2009 Draft)

Exhibit 6

Compatibility Factors
Calaveras County Airport

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(as of January 2008)

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

21670. Creation; Membership; Selection

- (a) The Legislature hereby finds and declares that:
- (1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.
 - (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.
- (b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors for 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 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 the 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 Airport Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:
 - (1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.
 - (2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.
 - (3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.
- (e) (1) A commission need not be formed in a county if all of the following conditions are met:
 - (A) The county has only one public use airport that is owned by a city.
 - (B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.
 - (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

- (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on such 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.

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) 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 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 which 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 which has undertaken by contract or otherwise completed land use 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 land use 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 therefore 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 which 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 the commission staff and for which it determines there is a need for staff training and development.
- (c) The department may provide training and development programs for airport land commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:
 - (1) By offering formal courses or training programs.
 - (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
 - (3) By producing and making available written information.
 - (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

- (a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.
- (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

- (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, which 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 planning 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 the purpose 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 boundaries 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 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 the 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, 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 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 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 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 final 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 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.

- (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 record of any 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 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 or 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 which postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency which 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) of this subdivision, whichever is applicable.
- (c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency which 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 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 comprehensive land use plan by June 30, 1991, or if the adopted plan could not become effective, because of a lawsuit involving the adoption of the 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 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; 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 such 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 such commission in accordance with the provisions of such 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 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 the 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 150/5300-13, clear zones 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 by law 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 of the provisions 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 the 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 of the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

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

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

65943.5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the

state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

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

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect, or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error that 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 Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).

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

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7—Planning and Land Use

Division 2—Subdivisions

Chapter 3—Procedure

**Article 3—Review of Tentative Map by Other Agencies
(excerpts)**

66455.9.

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

EDUCATION CODE
Title 1—General Education Code Provisions
Division 1—General Education Code Provisions
Part 10.5—School Facilities
Chapter 1—School Sites
Article 1—General Provisions
(excerpts)

17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or leasing 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 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 proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.
- (e) If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition

of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

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

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

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

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, 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 such information or assistance as 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 such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building

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

If the recommendations of the Division of Aeronautics are unfavorable, such recommendations 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 comprehensive land use plan boundaries, or, if a comprehensive land use 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 Department 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 department.
- (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 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.

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

1103.

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

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

1103.1.

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

- (b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

1103.2.

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

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

[Section 1103.3 omitted]

1103.4.

- (a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.
- (b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.
- (c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement. 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 2, Part 4
Title 6—Common Interest Developments
(excerpts)

1353.

- (a) (1) 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. If the property 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.

- (2) 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.
- (3) [Omitted]
- (4) 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.
- (b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

LEGISLATIVE HISTORY SUMMARY

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.

- 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.
- 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. Also makes these provisions applicable to charter schools.

Federal Aviation Regulations Part 77

Objects Affecting Navigable Airspace

Subpart A

GENERAL

Amdt. 77-11, Sept. 25, 1989.

77.1 Scope.

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

77.2 Definition of Terms.

For the purpose of this part:

“Airport available for public use” means an airport that is open to the general public with or without a prior request to use the airport.

“A seaplane base” is considered to be an airport only if its sea lanes are outlined by visual markers.

“Nonprecision 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 nonprecision 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.

“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.

“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.

77.3 Standards.

- (a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:
 - (1) Administering the Federal-aid Airport Program and the Surplus Airport Program;
 - (2) Transferring property of the United States under section 16 of the Federal Airport Act;
 - (3) Developing technical standards and guidance in the design and construction of airports; and
 - (4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.
- (b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

77.5 Kinds of Objects Affected.

This part applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and
- (b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

Subpart B

NOTICE OF CONSTRUCTION OR ALTERATION

77.11 Scope.

- (a) This subpart requires each person proposing any kind of construction or alteration described in §77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under §77.13(a).
- (b) Notices received under this subpart provide a basis for:

- (1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
- (2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
- (3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.
- (4) Determining other appropriate measures to be applied for continued safety of air navigation; and
- (5) Charting and other notification to airmen of the construction or alteration.

77.13 Construction or Alteration Requiring Notice.

- (a) Except as provided in §77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in §77.17:
 - (1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
 - (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.
 - (iii) 5 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.
 - (3) 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) (1) or (2) of this section.
 - (4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
 - (5) Any construction or alteration on any of the following airports (including heliports):

- (i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
 - (ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that airport will be available for public use.
 - (iii) An airport that is operated by an armed force of the United States.
- (b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.
 - (c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -
 - (1) The construction or alteration is more than 200 feet above the surface level of its site; or
 - (2) An FAA regional office advises him that submission of the form is required.

77.15 Construction or Alteration Not Requiring Notice.

No person is required to notify the Administrator for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

77.17 Form and Time of Notice.

- (a) Each person who is required to notify the Administrator under §77.13 (a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- (b) The notice required under §77.13(a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates:

- (1) The date the proposed construction or alteration is to begin.
- (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

- (c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.
- (d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.
- (e) Each person who is required to notify the Administrator by paragraph (b) or (c) of §77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

77.19 Acknowledgment of Notice.

- (a) The FAA acknowledges in writing the receipt of each notice submitted under §77.13(a).
- (b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.
- (c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - (1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;
 - (2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or
 - (3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C

OBSTRUCTION STANDARDS

77.21 Scope.

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefore is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by §77.13(a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in §77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.
- (c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by §77.13(a), that airport is -
 - (1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or
 - (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
 - (3) An airport that is operated by an armed force of the United States.

77.23 Standards for Determining Obstructions.

- (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 500 feet above ground level at the site of the object.
 - (2) A height that is 200 feet above ground level 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 of distance from the airport up to a maximum of 500 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 §77.25, §77.28, or §77.29. 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 air 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) Seventeen 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) Fifteen feet for any other public roadway.
 - (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
 - (4) Twenty-three feet for a railroad, and,
 - (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.

77.25 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 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 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, or planned 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 a primary surface is:
 - (1) 250 feet for utility runways having only visual approaches.
 - (2) 500 feet for utility runways having nonprecision 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 nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

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 nonprecision instrument approach;
 - (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision 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 nonprecision 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.

77.27 [Reserved]

77.28 Military 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 an armed force of the United States.
 - (1) Inner horizontal surface. A plane 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.

77.29 Airport Imaginary Surfaces for Heliports.

- (a) Heliport primary surface. The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) Heliport 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) Heliport transitional surfaces. These surfaces extend outward and upward from the lateral boundaries of the heliport 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 OF EFFECT OF PROPOSED CONSTRUCTION ON NAVIGABLE AIRSPACE

77.31 Scope.

- (a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.
- (b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

77.33 Initiation of Studies.

- (a) An aeronautical study is conducted by the FAA:
 - (1) Upon the request of the sponsor of any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part; or

- (2) Whenever the FAA determines it appropriate.

77.35 Aeronautical Studies.

- (a) The Regional Manager, Air Traffic Division of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.
- (b) To the extent considered necessary, the Regional Manager, Air Traffic Division or his designee:
 - (1) Solicits comments from all interested persons;
 - (2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;
 - (3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and
 - (4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.
- (c) The Regional Manager, Air Traffic Division or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under §77.37.
- (d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Manager, Air Traffic Division, or his designee, terminates the study and notifies all known interested persons.

77.37 Discretionary Review.

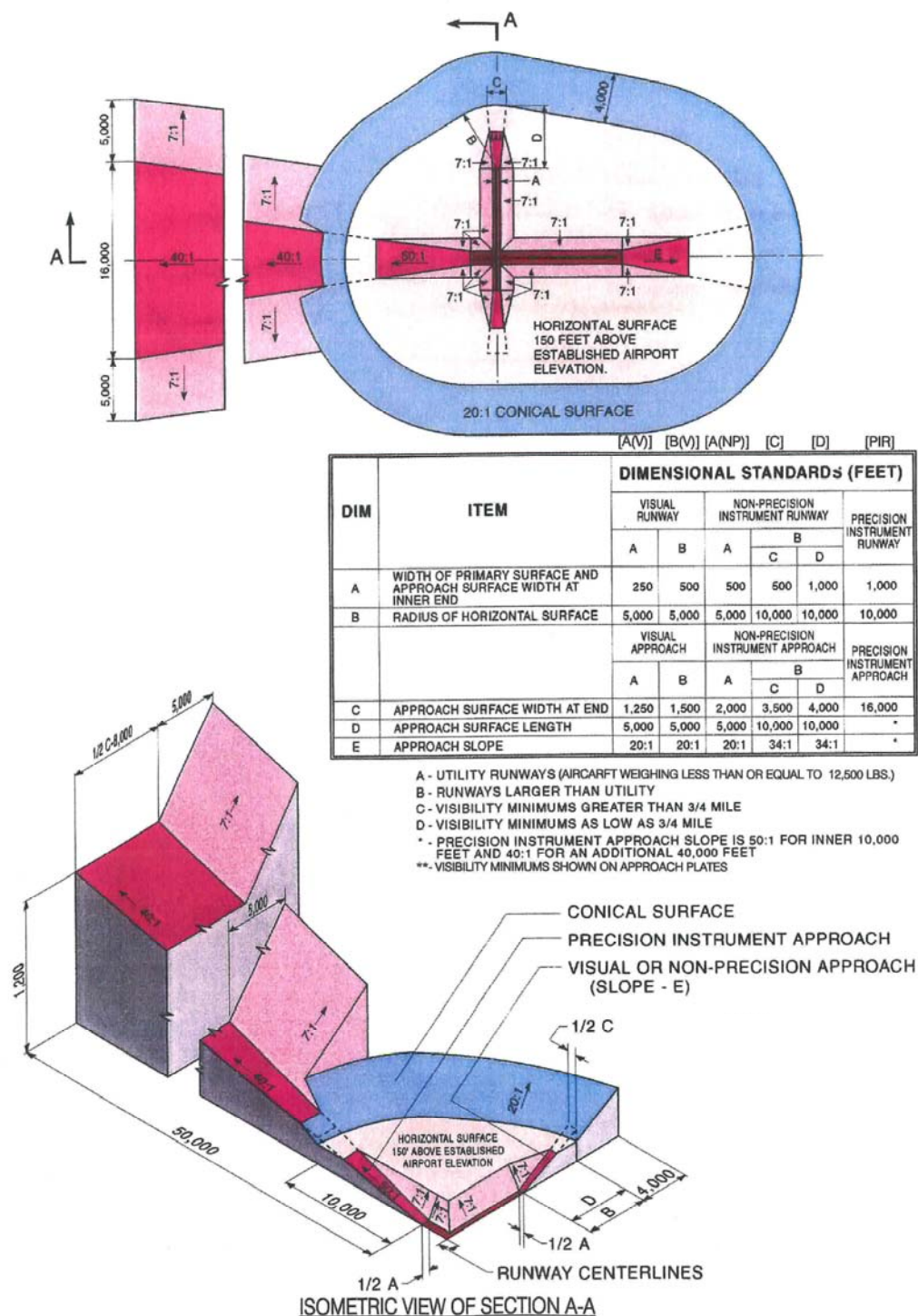
- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under §77.19 or §77.35 or revision or extension of the determination under §77.39 (c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under §77.19 (c) (1).
- (b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.
- (c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:
 - (1) A review on the basis of written materials, including study of a report by the Regional Manager, Air Traffic Division of the aeronautical study, briefs, and related submissions by any in-

terested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under §77.19, §77.35 or §77.39 (c); or

- (2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

77.39 Effective Period of Determination of No Hazard.

- (a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:
 - (1) Revise the determination based on new facts that change the basis on which it was made; or
 - (2) Extend its effective period.
- (c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.
- (d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -
 - (1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and
 - (2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.
- (e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.



Source: Federal Aviation Regulations Part 77

Figure B1

FAR Part 77 Imaginary Surfaces

A **Notice of Proposed Construction or Alteration** (Form 7460-1) must be filed with the Federal Aviation Administration (FAA) in accordance with subpart B.

Electronic (i.e., e-filing) is now available for both on airport and off airport proposed construction or alteration.

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

A user name and password must be created to access the system.

Figure B2

FAR Part 77 Filing Process

FAA Form 7460-1

B-15

Airport Land Use Compatibility Concepts

INTRODUCTION

This appendix provides basic information regarding the concepts and rationale used to develop the compatibility policies and maps set forth in Chapter 2 of this *Calaveras County Airport Land Use Compatibility Plan*. Some of the material is excerpted directly from the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautics in January 2002. Other portions were developed for the purpose of this *Compatibility Plan*.

State law requires that airport land use commissions “be guided by” the information presented in the *Handbook*. Despite the statutory reference to it, though, the *Handbook* does not constitute formal state policy or regulation. Indeed, adjustment of the guidelines to fit the circumstances of individual airports is suggested by the *Handbook*. The *Handbook* guidance does not supersede or otherwise take precedence over the policies adopted by the Calaveras County Airport Land Use Commission (ALUC) in this *Compatibility Plan*. Furthermore, this appendix itself does not constitute ALUC policy. If the material herein conflicts in any manner with the actual policy language or maps, the policies and maps prevail.

As outlined in the *Handbook*, the noise and safety compatibility concerns of ALUCs fall into four categories. This *Compatibility Plan* refers to these categories as “layers.”

- › *Noise*: As defined by cumulative noise exposure contours describing noise from aircraft operations near an airport.
- › *Overflight*: The impacts of routine aircraft flight over a community.
- › *Safety*: From the perspective of minimizing the risks of aircraft accidents beyond the runway environment.
- › *Airspace Protection*: Accomplished by limits on the height of structures and other objects in the airport vicinity and restrictions on other uses that potentially pose hazards to flight.

The following sections of this appendix is organized under the above four categories. Under each of the four compatibility category headings, the discussion is organized around four topics:

- › *Compatibility Objective*: The objective to be sought by establishment and implementation of the compatibility policies;
- › *Measurement*: The scale on which attainment of the objectives can be measured;
- › *Compatibility Strategies*: The types of strategies which, when formulated as compatibility policies, can be used to accomplish the objectives; and
- › *Basis for Setting Criteria*: The factors which should be considered in setting the respective compatibility criteria.

The final section addresses the manner in which the strategies associated with the four individual compatibility concerns were combined into the single compatibility criteria table that appears in Chapter 2.

NOISE

Noise is perhaps the most basic airport land use compatibility concern. Certainly, it is the most noticeable form of airport impact.

Compatibility Objective

The purpose of noise compatibility policies is to avoid establishment of new noise-sensitive land uses in the portions of an airport environs that are exposed to significant levels of aircraft noise, taking into account the characteristics of the airport and the community surrounding the airport.

Measurement

For the purposes of airport land use compatibility planning, noise generated by the operation of aircraft to, from, and around an airport is primarily measured in terms of the cumulative noise levels of all aircraft operations. In California, the cumulative noise level metric established by state regulations, including for measurement of airport noise, is the Community Noise Equivalent Level (CNEL). Cumulative noise level metrics measure the noise levels of all aircraft operating at an airport on an average day (1/365) of the year. The calculations take into account not only the number of operations of each aircraft type and the noise levels they produce, but also their distribution geographically (the runways and flight tracks used) and by time of day. To reflect an assumed greater community sensitivity to nighttime and evening noise, the CNEL metric counts events during these periods as being louder than actually measured.

Cumulative noise level metrics provide a single measure of the average sound level in decibels (dB) to which any point near an airport is exposed over the course of a day. Although the maximum noise levels produced by individual aircraft are a major component of the calculations, cumulative noise level metrics do not explicitly measure these peak values. Cumulative noise levels are usually illustrated on airport area maps as contour lines connecting points of equal noise exposure. Mapped noise contours primarily show areas of significant noise exposures—ones affected by high concentrations of aircraft takeoffs and landings.

For civilian airports, noise contours are typically calculated using the Federal Aviation Administration's Integrated Noise Model (INM) computer program. Inputs to the INM are of two basic types: standardized data regarding aircraft performance and noise levels generated (this data can be adjusted for a particular airport if necessary); and airport-specific data including aircraft types and number of operations, time of day of aircraft operations, runway usage distribution, and the location and usage of flight tracks. Airport elevation and surrounding topographic data can also be entered. For airports with airport traffic control towers, some of these inputs can be obtained from recorded data. Noise monitoring and radar flight tracking data available for airports in metropolitan areas are other sources of valuable information. At most airports, though, the individual input variables must be estimated.

Compatibility Strategies

The basic strategy for achieving noise compatibility in an airport's vicinity is to limit development of land uses that are particularly sensitive to noise. The most acceptable land uses are ones that either involve few people (especially people engaged in noise-sensitive activities) or generate significant noise levels themselves (such as other transportation facilities or some industrial uses).

California state law regards any residential land uses as normally incompatible where the noise exposure exceeds CNEL 65 dB (although the state airport noise regulations explicitly apply only to identified "noise problem airports" in the context of providing the ability of these airports to operate under a noise variance from the state, the *Handbook* and other state guidelines extend this criterion to all airports as discussed below). This standard, however, is set with respect to high-activity airports, particularly major air carrier airports, in urban locations where ambient noise levels are generally higher than in suburban and rural areas. As also discussed below and as provided in the *Handbook*, a lower threshold of incompatibility is often appropriate at certain airports, particularly around airports in suburban or rural locations where the ambient noise levels are lower than those found in more urban areas.

In places where the noise exposure is not so severe as to warrant exclusion of new residential development, the ideal strategy is to have very low densities—that is, parcels large enough that the dwelling can be placed in a less impacted part of the property. In urban areas, however, this strategy is seldom viable. The alternative for such locations is to encourage high-density, multi-family residential development with little, if any, outdoor areas, provided that the CNEL 65 dB standard and limitations based upon safety are not exceeded. Compared to single-family subdivisions, ambient noise levels are typically higher in multi-family developments, outdoor living space is less, and sound insulation features can be more easily added to the buildings. All of these factors tend to make aircraft noise less intrusive.

Sound insulation is an important requirement for residential and other noise-sensitive indoor uses in high noise areas. The California Building Code requires that sufficient acoustic insulation be provided in any habitable rooms of new hotels, motels, dormitories, dwellings other than detached single-family residences to assure that aircraft noise is reduced to an interior noise level of CNEL 45 dB or less. To demonstrate compliance with this standard, an acoustical analysis must be done for any residential structure proposed to be located where the annual CNEL exceeds 60 dB.

Because of the quiet character of the Calaveras County Airport environs and resultant intrusiveness of even moderate outdoor noise sources, this *Compatibility Plan* reduces the interior noise limit standard to CNEL 40 dB and extends it to include single-family dwellings. The *Compatibility Plan* further requires dedication of an avigation easement (see later discussion in this appendix) as a condition for development approval in locations where these standards come into play.

Basis for Setting Criteria

Compatibility criteria related to cumulative noise levels are well-established in federal and state laws and regulations. The California Airport Noise Regulations (California Code of Regulations Title 21, Section 5000 *et seq.*) states that:

"The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep and community reaction."

No airport declared by a county's board of supervisors as having a "noise problem" is to operate in a manner that result in incompatible uses being located within the CNEL 65 dB contour. Incompatible uses are defined as being: residences of all types; public and private schools; hospitals and convalescent homes; and places of worship. However, these uses are not regarded as incompatible where acoustical insulation necessary to reduce the interior noise level to CNEL 45 dB has been installed or the airport proprietor has acquired an aviation easement for aircraft noise.

As noted in the regulations, the CNEL 65 dB standard is set with respect to urban areas. For many airports and many communities, CNEL 65 dB is too high to be considered acceptable to "reasonable persons." Through a process called "normalization," adjustments can be made to take into account such factors as the background noise levels of the community and previous exposure to particular noise sources. This process suggests, for example, that CNEL 60 dB may be a more suitable criterion for suburban communities not exposed to significant industrial noise and CNEL 55 dB may be appropriate for quiet suburban or rural communities remote from industrial noise and truck traffic. On the other hand, even though exceeding state standards, CNEL 70 dB may be regarded as an acceptable noise exposure in noisy urban residential communities near industrial areas and busy roads.

Industrial activity and transportation noise are undoubtedly two of the most prominent contributors to background noise levels in a community. According to a U.S. Environmental Protection Agency (EPA) study however, the variable that correlates best with ambient noise levels across a broad range of communities is population density (*Population Distribution of the United States as a Function of Outdoor Noise Level*, EPA Report No. 550/9-74-009, June 1974). This study established the following formula as a means of estimating the typical background noise level of a community:

$$DNL_{EPA} = 22 + 10 * \log(p)$$

where "p" is the population density measured in people per square statute mile.

These factors are reflected in the policies of this *Compatibility Plan*. The ALUC considers CNEL 55 dB to be the maximum normally acceptable airport-related noise exposure for new residential development near Calaveras County Airport. Based upon the above EPA equation, these criteria are a minimum of 5 dB above the predicted ambient noise levels in the airport environs. Even beyond the mapped noise contours, limiting residential development to low densities is desirable given the intrusiveness of aircraft noise in the quiet environment of Calaveras County Airport. Policies to this effect are included in Chapter 2.

Similar considerations come into play with respect to establishing maximum acceptable noise exposure for nonresidential land uses, particularly those that are noise sensitive. For schools, lodging, and other such uses, a higher noise exposure may be tolerated in noisy urban communities than in quieter suburban and rural areas. For uses that are not noise sensitive or which generate their own noise, the maximum acceptable noise exposure levels tend to be the same regardless of ambient noise conditions. The criteria listed in Chapter 2 of this *Compatibility Plan* are set with these various factors in mind.

OVERFLIGHT

Experience at many airports has shown that noise-related concerns do not stop at the boundary of the outermost mapped CNEL contours. Many people are sensitive to the frequent presence of aircraft overhead even at low levels of noise. These reactions can mostly be expressed in the form of *annoyance*.

The *Handbook* notes that at many airports, particularly air carrier airports, complaints often come from locations beyond any of the defined noise contours. Indeed, heavily used flight corridors to and from metropolitan areas are known to generate noise complaints 50 miles or more from the associated airport. The basis for such complaints may be a desire and expectation that outside noise sources not be intrusive—or, in some circumstances, even distinctly audible—above the quiet, natural background noise level. Elsewhere, especially in locations beneath the traffic patterns of general aviation airports, a fear factor also contributes to some individuals' sensitivity to aircraft overflights.

While these impacts may be important community concerns, the question of importance here is whether any land use planning actions can be taken to avoid or mitigate the impacts or otherwise address the concerns. Commonly, when overflight impacts are under discussion in a community, the focus is on modification of the flight routes. Indeed, some might argue that overflight impacts should be addressed solely through the aviation side of the equation—not only flight route changes, but other modifications to where, when, and how aircraft are operated. Such changes are not always possible because of terrain, aircraft performance capabilities, FAA regulations, and other factors. In any case, though, ALUCs are particularly limited in their ability to deal with overflight concerns. Most significantly, they have no authority over aircraft operations. The most they can do to bring about changes is to make requests or recommendations. Even with regard to land use, the authority of ALUCs extends only to proposed new development and the delineation of an airport's overall influence area. The authority and responsibility for implementing the *Compatibility Plan's* policies and criteria rests with the local governments.

These limitations notwithstanding, there are steps which ALUCs can and should take to help minimize overflight impacts.

Compatibility Objective

In an idealistic sense, the compatibility objective with respect to overflight is the same as for noise: avoid new land use development that can disrupt activities and lead to annoyance and complaints. However, given the extensive geographic area over which the impacts occur, this objective is unrealistic except relatively close to the airport. A more realistic objective of overflight compatibility policies therefore is to help notify people about the presence of overflights near airports so that they can make more informed decisions regarding acquisition or lease of property in the affected areas.

Measurement

Cumulative noise metrics such as CNEL are well-suited for use in establishing land use compatibility policy criteria and are the only noise metrics for which widely accepted standards have been adopted. However, these metrics are not very helpful in determining the extent of overflight impact areas. Locations where overflight concerns may be significant are typically well beyond where noise contours can be drawn with precision. Flight tracks tend to be quite divergent and noise monitoring data is seldom available. Moreover, even if the contours could be drawn precisely, the noise levels they would indicate may not be much above the ambient noise levels.

For the purposes of airport land use compatibility planning, two other forms of noise exposure information are more useful. One measure is the momentary, maximum sound level (L_{\max}) experienced on the ground as the aircraft flies over while landing at and taking off from a runway. These noise levels can be depicted in the form of a noise “footprint” as shown in Figure C1 for a variety of airline and general aviation aircraft. Each of these footprints is broadly representative of those produced by other

aircraft similar to the ones shown. The actual sound level produced by any single aircraft takeoff or landing will vary not only among specific makes and models of aircraft, but also from one operation to another of identical aircraft.

In examining the footprints, two additional points are important to note. One is the importance of the outermost contour. This noise level (65 dBA L_{max}) is the level at which interference with speech begins to be significant. Land uses anywhere within the noise footprint of a given aircraft would experience a noise level, even if only briefly, that could be disruptive to outdoor conversation. Indoors, with windows closed, the aircraft noise level would have to be at least 20 dBA louder to present similar impacts. A second point to note concerns the differences among various aircraft, particularly business jets. As the data shows, business jets manufactured in the 1990s are much quieter than those of 10 and 20 years earlier. The impacts of the 1990s era jets are similar to those of twin-engine piston aircraft and jets being made in the 2000s are quieter yet. At many general aviation airports, the size of the CNEL contours is driven by a relatively small number of operations by the older, noisier business jets. These aircraft are gradually disappearing from the nationwide aircraft fleet and will likely be mostly gone within 20 years, but at this point in time it is uncertain when they will be completely eliminated.

Another useful form of overflight information is a mapping of the common flight tracks used by aircraft when approaching and departing an airport. Where available, recorded radar data is an ideal source for flight track mapping. Even more revealing is to refine the simple flight track mapping with data such as the frequency of use and aircraft altitudes. This type of data is not available for Calaveras County Airport.

Compatibility Strategies

As noted above, the ideal land use compatibility strategy with respect to overflight annoyance is to avoid development of new residential and other noise-sensitive uses in the affected locations. To the extent that this approach is not practical, other strategies need to be explored.

The strategy emphasized in this *Compatibility Plan* is to help people with above-average sensitivity to aircraft overflights—people who are highly *annoyed* by overflights—to avoid living in locations where frequent overflights occur. This strategy involves making people more aware of an airport's proximity and its current and potential aircraft noise impacts on the community before they move to the area. This can be accomplished through buyer awareness measures such as dedication of avigation or overflight easements, recorded overflight notification, and/or real estate disclosure statements. In new residential developments, posting of signs in the real estate sales office and/or at key locations in the subdivision itself can be further means of alerting the initial purchasers about the impacts (signs, however, generally do not remain in place beyond the initial sales period and therefore are of little long-term value).

A second strategy is to minimize annoyance in by promoting types of land uses that tend to mask or reduce the intrusiveness of aircraft noise. This strategy is reflected in the criterion in Chapter 2 of this *Compatibility Plan* limiting residential development within the primary traffic pattern area to very low densities. In urban areas, where very low residential densities are impractical within the wide area affected by aircraft overflights, multi-family residential is considered preferable to single-family because it tends to have comparatively little outdoor living areas, fewer external walls through which aircraft noise can intrude, and relatively high noise levels of its own. Particularly undesirable are “ranchette” style residential areas consisting of large (about an acre on average) lots. Such developments are dense enough to expose many people to overflight noise, yet sufficiently rural in character that background noise levels are likely to be low.

Basis for Setting Criteria

In California, the most definitive guidance on where overflight impacts are significant or what actions should be taken in response comes from a state law that took effect in January 2004. California statutes (Business and Professions Code Section 11010 and Civil Code Sections 1103 and 1353) now require many residential real estate transactions, including all involving new subdivisions, to include disclosure that an airport is nearby. The area encompassed by the disclosure requirements is two miles from the airport or the airport influence area established by the county's airport land use commission. The law defines the 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." This *Compatibility Plan* requires that the disclosure of airport proximity be applied to all new development within the Calaveras County Airport influence areas and recommends that disclosure be provided as part of all real estate transactions involving private property, especially any sale, lease, or rental of residential property.

SAFETY

Compared to noise, safety is in many respects a more difficult concern to address in airport land use compatibility policies. A major reason for this difference is that safety policies address uncertain events that *may occur* with *occasional* aircraft operations, whereas noise policies deal with known, more or less predictable events which *do occur* with *every* aircraft operation. Because aircraft accidents happen infrequently and the time, place, and consequences of an individual accident's occurrence cannot be predicted, the concept of *risk* is central to the assessment of safety compatibility.

Compatibility Objective

The overall objective of safety compatibility criteria is to minimize the risks associated with potential off-airport aircraft accidents and emergency landings beyond the runway environment. There are two components to this objective:

- › *Safety on the Ground:* The most fundamental safety compatibility component is to provide for the safety of people and property on the ground in the event of an aircraft accident near an airport.
- › *Safety for Aircraft Occupants:* The other important component is to enhance the chances of survival of the occupants of an aircraft involved in an accident that takes place beyond the immediate runway environment.

Measurement

Because aircraft accidents happen infrequently, measuring the risks associated with their occurrence is difficult. It is necessary to look beyond an individual airport in order to assemble enough data to be statistically valid. It is beyond the intent of this discussion to provide statistical data about aircraft accidents. Much can be found on that topic in the *Handbook*. However, certain aspects of aircraft accidents are necessary to discuss in that they have a direct bearing on land use compatibility strategies.

From the standpoint of land use planning, two variables determine the degree of risk posed by potential aircraft accidents: frequency and consequences.

The frequency variable measures *where* and *when* aircraft accidents occur in the vicinity of an airport. More specifically, these two elements can be described as follows:

- *Spatial Element:* The spatial element describes *where* aircraft accidents can be expected to occur. Of all the accidents that take place in the vicinity of airports, what percentage occurs in any given location?
- *Time Element:* The time element adds a *when* variable to the assessment of accident frequency. In any given location around a particular airport, what is the chance that an accident will occur in a specified period of time?

Spatial Distribution of Aircraft Accidents

Of these two elements, the spatial element is the one most meaningfully applied to land use compatibility planning around an individual airport. Looking at airports nationwide, enough accidents have occurred to provide useful data regarding where they mostly occur in the environs of airports. As described below, the *Handbook* uses this data to define a set of safety zones. Additionally, the relative concentration of accidents in certain parts of the airport environs is a key consideration in the establishment of compatibility criteria applicable within those zones.

In contrast, the time element is not very useful for land use compatibility planning purposes for several reasons. First, at any given airport, the number of accidents is, with rare exceptions, too few to be statistically meaningful in determining where future accidents might occur. Secondly, a calculation of accident frequency over time depends upon the size of the area under consideration—the smaller the area examined, the less likely it is that an accident will occur in that spot. Lastly, even if the accident frequency over a period of time is calculated, there are no clear baselines with which to compare the results—is once per 100 or 1,000 years significant or not?

The *Handbook* presents a set of diagrams indicating where accidents are most likely to occur around airline and general aviation airports. Figures C2 and C3 show the spatial distribution of general aviation aircraft accidents in the vicinity of airports. (Note that these charts show data for all general aviation accidents in the *Handbook* database. Data on accidents associated with different lengths of runway is also provided, though, and is considered in delineation of the compatibility zones depicted in Chapter 2 of this *Compatibility Plan*.)

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 wide at the inner edge to 1,750 feet in width at the outer end). 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 2.0 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.

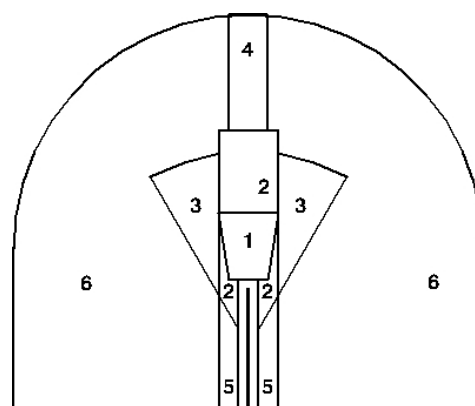
- › Departure accidents are comparatively more dispersed laterally from the runway centerline, but are concentrated closer to the runway end. Many departure accidents also occur lateral to the runway itself, particularly when the runway is long. Approximately 80% of the departure accident sites lie within an area 2,500 feet from the runway centerline and 6,000 feet beyond the runway end or adjacent to the runway.

To provide some sense of order to the scatter of individual accident points, an analysis presented in the *Handbook* involves aggregating the accident location points (the scatter diagrams of where accidents have occurred relative to the runway) in a manner that better identifies where the accident sites are most concentrated. The results are presented as risk intensity contours—Figure C2 shows arrival accident risks and Figure C3 portrays departure accident risks. The two drawings divide the near-airport accident location points into five groups of 20% each (note that only accident sites that were not on a runway, but were within 5 miles of an airport are included in the database). The 20% contour represents the highest or most concentrated risk intensity, the 40% contour represents the next highest risk intensity, and so on up to 80%. The final 20% of the accident sites are beyond the 80% contour. Each contour is drawn so as to encompass 20% of the points within the most compact area. The contours are irregular in shape. No attempt has been made to create geometric shapes. However, the risk contours can serve as the basis for creating geometric shapes that can then be used as safety zones. The *Handbook* contains several examples. The Department of Defense, through its *Air Installation Compatible Use Zones (AICUZ)* program, has followed a similar process to establish safety zone guidelines for military airports.

The *Handbook* takes the additional step of translating the risk contours into several sets of generic safety zones having regular geometric shapes. Generic safety zones are illustrated for different types and lengths of runways. The shapes of these zones reflect not just the accident distribution data, but also the ways in which different phases of aircraft operations create different accident risk characteristics near an airport. For most runways, the *Handbook* suggests creation of six zones configured generally as diagrammed below. As described on the next page, the dimensions of each zone depend on a variety of factors peculiar to each airport.

The relative degree of the risk exposure in each zone can be described as listed below.

- › *Zone 1* clearly is exposed to the greatest risk of aircraft accidents. This zone matches the runway protection zone (RPZ) defined by the FAA, together with restricted areas along the runway edges, and its dimensions are as established by FAA standards. The FAA encourages airport ownership of this zone and provides specific land use standards to the extent that land is airport owned. Where the land is not airport owned, the FAA says these standards serve as recommendations.
- › *Zone 2* lies beyond the ends of Zone 1 and also has a significant degree of risk as reflected in national accident location data.
- › *Zone 3* has less risk than Zone 2, but more than Zones 4, 5, or 6. Zone 3 encompasses locations where aircraft often turn at low altitude while approaching or departing the runway.



Generic Safety Zones

- › *Zone 4* lies along the extended runway centerline beyond *Zone 2* and is especially significant at airports that have straight-in instrument approach procedures or a high volume of operations that results in an extended traffic pattern.
- › *Zone 5* is a unique area lying adjacent to the runway and, for most airports, lies on airport property. The risk is comparable to *Zone 4*.
- › *Zone 6* contains the aircraft traffic pattern. Although a high percentage of accidents occur within *Zone 6*, for any given runway *Zone 6* is larger than all the other zones combined. Relative to the other zones, the risks in *Zone 6* are much less, but are still greater than in locations more distant from the airport.

Although accident location data, together with information on how aircraft flight parameters affect where accidents occur, are the bases for delineation of the generic safety zones, the *Handbook* indicates that adjustments to the zone sizes and shapes must be made in recognition of airport-specific characteristics. Among these characteristics are:

- › The particular mix of aircraft types operating at the airport. Larger aircraft generally are faster than smaller planes and thus fly longer and wider traffic patterns or make straight-in approaches.
- › The overall volume of aircraft operations. At busy airports, a larger traffic pattern is common because aircraft have to get in sequence for landing.
- › Nearby terrain or other airports. These physical features may, for example, limit a traffic pattern to a single side of the airport or dictate “nonstandard” approach and departure routes.
- › Instrument approach procedures. Aircraft following these procedures typically fly long, straight-in, gradual descents to the runway. In some cases, though, an approach route may be aligned at an angle to the runway rather than straight in.
- › Existence of an air traffic control tower. When a tower is present, controllers may direct or allow pilots to fly unusual routes in order to expedite traffic flow. By comparison, at relatively busy but non-towered airports, aircraft mostly follow the “standard” pattern dictated by federal aviation regulations.
- › A dominant direction of traffic flow. As reflected in the *Handbook* analysis of accident locations, landing aircraft tend to follow routes directly in line with the runway during final descent and thus accident sites also are concentrated along this alignment. Departing aircraft are more likely to turn to head to their intended destination and the accident pattern is thus more dispersed. On runways where the flow of aircraft operations is almost always in one direction, this distinction in accident patterns is considered.

Radar data is particularly helpful in showing exactly where aircraft fly when approaching or departing an airport. This data can be used to further support adjustments to the safety zones based upon the above characteristics. Radar data, though, is not available for many outlying airports in the country, including Calaveras County Airport. In these instances, information on normal traffic pattern locations must be obtained through contact with local flight instructors and others highly familiar with a particular airport.

Accident Consequences

The consequences variable describes *what* happens when an aircraft accident occurs. Specific measures can be defined in terms of deaths, injuries, property damage, or other such characteristics. In many re-

spects, the consequences component of aircraft accident risk assessment is a more important variable than accident frequency. Not only can a single accident cost many lives, it can indirectly force operational changes or even airport closure.

Relatively little data is available specifically documenting the consequences of aircraft accidents. Except with regard to numbers of deaths or injuries to people on the ground, data on various aspects of aircraft accidents must be used to infer what the consequences have been. Swath size is one useful piece of information. It indicates the area over which accident debris is spread. Swath size in turn depends upon the type of aircraft and the nature of the accident: was the aircraft in controlled flight (an engine failure for example), but then collided with something on the ground or did a catastrophic event (such as a mid-air collision or stall-spin) result in the aircraft making an uncontrolled descent? For small general aviation aircraft, the swath size data suggests that a controlled emergency landing in which the aircraft occupants have a strong chance of surviving is possible in an area about the size of a football field: 75 feet by 300 feet or about 0.5 acre. For larger aircraft, the minimum flight speed is so much higher that the consequences for people on board and anyone on the ground are likely to be high regardless of the land use or terrain characteristics.

Compatibility Strategies

The relatively low numbers of deaths and injuries from aircraft accidents is sometimes cited as indicating that the risks are low. Clearly, though, the more people occupying the critical areas around airports, the greater the risks are. Aircraft accidents may be rare occurrences, but when they occur, the consequences can be severe.

From a land use compatibility perspective, it is therefore essential to avoid conditions that can lead to catastrophic results. Basically, the question is: what land use planning measures can be taken to reduce the severity of an aircraft accident if one occurs in a particular location near an airport? Although there is a significant overlap, specific strategies must consider both components of the safety compatibility objective: protecting people and property on the ground; and, primarily for general aviation airports, enhancing safety for aircraft occupants. In each case, the primary strategy is to limit the intensity of use (the number of people concentrated on the site) in locations most susceptible to an off-airport aircraft accident. This is accomplished by three types of criteria.

Density and Intensity Limitations

Establishment of criteria limiting the maximum number of dwellings or people in areas close to the airport is the most direct method of reducing the potential severity of an aircraft accident. In setting these criteria, consideration must be given to the two different forms of aircraft accidents: those in which the aircraft is descending, but is flying and under directional control of the pilot; and those in which the aircraft is out of control as it falls. Additionally, these data do not include the incidents in which the pilot made a successful emergency landing—the latter generally are categorized as “incidents” rather than as accidents and do not appear in the National Transportation Safety Board data from which the database in the *Handbook* is drawn.

Limits on usage intensity—the number of people per acre—must take into account both types of potential aircraft accidents. To the extent that accidents and incidents are of the controlled variety, then allowing high concentrations of people in a small area would be sensible, as long as intervening areas are little populated. However, concentrated populations present a greater risk for severe consequences in the event of an uncontrolled accident at that location. The policies in Chapter 2 address both of

these circumstances. Limiting the average usage intensity over a site reduces the risks associated with either type of accident. In most types of land use development, though, people are not spread equally throughout the site. To minimize the risks from an uncontrolled accident, the policies also limit the extent to which people can be concentrated and development can be clustered in any small area.

Open Land Requirements

Creation of requirements for open land near an airport addresses the objective of enhancing safety for the occupants of an aircraft forced to make an emergency landing away from a runway. If sufficiently large and clear of obstacles, open land areas can be valuable for light aircraft anywhere near an airport. For large and high-performance aircraft, however, open land has little value for emergency landing purposes and is useful primarily where it is an extension of the clear areas immediately adjoining a runway.

Open land criteria have not been included in this *Compatibility Plan* for Calaveras County Airport because almost the entire airport influence area is undeveloped and most of it is expected to remain that way.

Highly Risk-Sensitive Uses

Certain critical types of land uses—particularly schools, hospitals, and other uses in which the mobility of occupants is effectively limited—should be avoided near the ends of runways regardless of the number of people involved. Critical community infrastructure also should be avoided near airports. These types of facilities include power plants, electrical substations, public communications facilities and other facilities, the damage or destruction of which could cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility. Lastly, aboveground storage of large quantities of highly flammable or hazardous materials may pose high risks if involved in an aircraft accident and therefore are generally incompatible close to runway ends.

Basis for Setting Criteria

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 that 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.

Data useful in defining the geographic extent of airport safety areas was discussed above. To set safety compatibility criteria applicable within these zones presents the fundamental question of what is safe. Expressed in another way: *what is an acceptable risk?* In one respect, it may seem ideal to reduce risks to a minimum by prohibiting most types of land use development from areas near airports. However, as addressed in the *Handbook*, there are usually costs associated with such high degrees of restrictiveness. In practice, safety criteria are set on a progressive scale with the greatest restrictions established in locations with the greatest potential for aircraft accidents.

Little established guidance is available to ALUCs regarding how restrictive to make safety criteria for various parts of an airport's environs. Unlike the case with noise, there are no formal federal or state laws or regulations which set safety criteria for airport area land uses for civilian airports except within runway protection zones (and with regard to airspace obstructions as described separately in the next section). Federal Aviation Administration safety criteria primarily are focused on the runway and its immediate environment. Runway protection zones—then called *clear zones*—were originally established mostly for the purpose of protecting the occupants of aircraft which overrun or land short of a runway.

Now, they are defined by the FAA as intended to enhance the protection of people and property on the ground.

The most useful place from which ALUCs can begin to determine appropriate safety compatibility criteria for airport environs is the *Handbook* itself. Although not regulatory in nature, state law obligates ALUCs to “be guided by” the information presented in the *Handbook*. Suggested usage intensity limitations, measured in terms of people per acre, are set forth along with other safety criteria. Reference should be made to that document for detailed description of the suggested criteria. Three risk-related variables discussed in the *Handbook* are worth noting here, however.

- › *Runway Proximity:* In general, the areas of highest risk are closest to the runway ends and secondarily along the extended runway centerline. However, many common aircraft flight tracks do not follow along the runway alignment, particularly on departures. Also, where an aircraft crashes may not be along the flight path that was intended to be followed. As indicated in Figures C2 and C3, these factors affect the risk distribution.
- › *Urban versus Rural Areas:* Irrespective of airports, people living in urban areas face different types of risks than those living in rural areas. The cost of avoiding risks differs between these two settings as well. The *Handbook* acknowledges these differences by indicating that usage intensities can be higher in heavily developed urban areas compared to partially undeveloped suburban areas or minimally developed rural locations, yet be equivalent in terms of the level of acceptable risk.
- › *Existing versus Proposed Uses:* Another distinction in compatibility policies can be drawn between existing and proposed development. It is reasonable for safety-related policies to be established which prohibit certain types of new development while considering identical existing development to be acceptable. The *Handbook* notes that cost is an important factor in this regard. The range of risks can be divided into three levels (see page 9-15 of the *Handbook*). At the bottom of this scale are negligible and acceptable risks for which no action is necessary. At the top are intolerable risks for which action is necessary regardless of the cost. In between are risks that are significant, but tolerable. Whether action should be taken to reduce these risks depends upon the costs involved. Typically, the cost of removing an incompatible development is greater than the cost of avoiding its construction in the first place.

Preparation of this *Compatibility Plan* has been greatly guided by the *Handbook* information. The *Handbook*, though, also recognizes the importance of tailoring compatibility plans to local circumstances. Such is the case with the compatibility criteria included in Chapter 2.

AIRSPACE PROTECTION

Relatively few aircraft accidents are caused by land use conditions that are hazards to flight. The potential exists, however, and protecting against it is essential to airport land use safety compatibility. In addition, and importantly, land use characteristics that are hazards to flight may impact the continued viability of airport operations and limit the ability of an airport to operate in the manner identified by the airport proprietor in an adopted airport master plan and airport layout plan.

Compatibility Objective

Because airspace protection is in effect a safety factor, its objective can likewise be thought of in terms of risk. Specifically, the objective is to avoid development of land use conditions that, by posing hazards to flight, can increase the risk of an accident occurring. The particular hazards of concern are:

- › Airspace obstructions;
- › Wildlife hazards, particularly bird strikes; and
- › Land use characteristics that pose other potential hazards to flight by creating visual or electronic interference with air navigation.

The purpose of the airspace protection policies is to ensure that structures and other uses do not cause hazards to aircraft in flight in the airport vicinity. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards, particularly bird strikes, and land use characteristics that create visual or electronic interference with aircraft navigation or communication. This purpose is accomplished by policies that place limits on the height of structures and other objects in the airport vicinity and restrictions on other uses that potentially pose hazards to flight.

Measurement

The measurement of requirements for airspace protection around an airport is a function of several variables including: the dimensions and layout of the runway system; the type of operating procedures established for the airport; and, indirectly, the performance capabilities of aircraft operated at the airport.

- › *Airspace Obstructions:* Whether a particular object constitutes an airspace obstruction depends upon two factors: the height of the object relative to the runway elevation; and its proximity to the airport. The acceptable height of objects near an airport is most commonly determined by application of standards set forth in Federal Aviation Regulations (FAR) Part 77, *Objects Affecting Navigable Airspace*. These regulations establish a three-dimensional space in the air above an airport. Any object which penetrates this volume of airspace is considered to be an “obstruction” and may affect the aeronautical use of the airspace. Additionally, as described below, another set of airspace protection surfaces is defined by the U.S. *Standard for Terminal Instrument Procedures*, known as TERPS. Although the intended function of these standards is in design of instrument approach and departure procedures, they can be important in land use compatibility planning in situations where ground elevations near an airport exceed the FAR Part 77 criteria.
- › *Wildlife and Other Hazards to Flight:* The significance of other potential hazards to flight is principally measured in terms of the hazards’ specific characteristics and their distance from the airport and/or its normal traffic patterns.

Compatibility Strategies

Compatibility strategies for the protection of airport airspace are relatively simple and are directly associated with the individual types of hazards:

- › *Airspace Obstructions:* Buildings, antennas, other types of structures, and trees should be limited in height so as not to pose a potential hazard to flight.

- *Wildlife and Other Hazards to Flight:* Land uses that may create other types of hazards to flight near an airport should be avoided or modified so as not to include the offending characteristic.

Basis for Setting Criteria

The criteria for determining airspace obstructions have long been established in FAR Part 77. Also, State of California regulation of obstructions under the State Aeronautics Act (Public Utilities Code, Section 21659) is based on FAR Part 77 criteria. A shortcoming of FAR Part 77 criteria, however, is that they often are too generic to fit the conditions specific to individual airports. The airspace protection surfaces defined in these regulations can be either more or less restrictive than appropriate for a particular airport. The surfaces can be less restrictive than essential in instances where an instrument approach procedure or its missed approach segment are not aligned with the runway. FAR Part 77 also does not take into account instrument departure procedures which, at some airports, can have critical airspace requirements. Oppositely, FAR Part 77 provides no useful guidance as to acceptable heights of objects located where the ground level already penetrates the airspace surfaces.

To define airspace protection surfaces better suited to these situations, reference must be made the TERPS standards mentioned above. These standards are used for creation of instrument approach and departure procedures. Thus they exactly match the procedures in effect at an individual airport. Unlike the FAR Part 77 surfaces, the elevations of which are set relative to the runway end elevations irrespective of surrounding terrain and obstacles, the TERPS surface elevations are directly determined by the location and elevation of critical obstacles. By design, neither the ground nor any obstacles can penetrate a TERPS surface. However, construction of a tall object that penetrates a TERPS surface can dictate immediate modifications to the location and elevation of the surfaces and directly cause minimum flight visibility and altitudes to be raised or the instrument course to be realigned. In severe instances, obstructions can force a procedure to be cancelled altogether. A significant downside to use of TERPS surfaces for compatibility planning purposes is that they are highly complex compared to the relative simplicity of FAR Part 77 surfaces. Also, the configuration and/or elevations of TERPS surfaces can change not only in response to new obstacles, but as implementation of new navigational technologies permits additional or modified instrument procedures to be established at an airport.

Map 2 – Airspace Protection presented in Chapter 2 of this *Compatibility Plan* relies only upon FAR Part 77 criteria. Although Calaveras County Airport has an instrument approach procedure, its critical airspace is adequately protected by FAR Part 77 surfaces and use of TERPS is not necessary.

Among other hazards to flight, bird strikes no doubt represent the most widespread concern. The FAA recommends that uses known to attract birds—sanitary landfills being a primary example—be kept at least 10,000 feet away from any runway used by turbine-powered aircraft. More information regarding criteria for avoidance of uses that can attract wildlife to airports can be found in FAA Advisory Circulars 150/5200-34 and 150/5300-33.

Other flight hazards include land uses that may cause visual or electronic hazards to aircraft in flight or taking off or landing at the airport. Specific characteristics to be avoided include sources of glare or bright lights, distracting lights that could be mistaken for airport lights, sources of dust, steam, or smoke that may impair pilot visibility, and sources of electrical interference with aircraft communications or navigation.

COMBINED CRITERIA

To simplify application of the compatibility strategies outlined in this appendix, the *Calaveras County Airport Land Use Compatibility Plan* combines most of the strategies into a single set of compatibility criteria set forth in Table 1 of Chapter 2. The table lists a range of land use categories, then indicates whether each category is “normally compatible,” “conditional,” or “incompatible” within each of the six compatibility zones depicted on Map 1 – Compatibility Map. As with the criteria table, the compatibility map represents a combination of each of the four types of compatibility concerns: noise, safety, airspace protection, and overflight. The manner in which Calaveras County Airport impacts associated with these concerns were combined to form the zones in Map 1 is indicated in Table 2 – Compatibility Zone Factors, also found in Chapter 2.

A disadvantage of this composite approach—as opposed to addressing each compatibility concern as a separate “layer”—is that the rationale for the restrictions indicated in the table may not be as clearly evident. Table C1 – Relative Sensitivity of Land Use Categories, included in this appendix, is intended to shed light on this issue. For each of the land use categories listed in Table 1 – Compatibility Criteria, Table C1 notes its relative degree of sensitivity to noise, safety, and airspace protection concerns. Overflight is not addressed because the overflight policies defined in Chapter 2 do not directly restrict the development or use of land.

The “relative” aspect of the sensitivity assessments in the table is primarily intended to provide a comparison among the various land use categories and is irrespective of where in the airport environs the use is located. Thus, for any particular location within the airport influence area, a use listed as having high sensitivity to noise is more sensitive than one listed as moderate and therefore should be more restricted by the criteria in Table 1. Uses listed as having low sensitivity do not, in most cases, warrant restrictions based upon that particular concern—for example, noise impacts—but may nevertheless need to be restricted because of another concern—for example, safety. Uses having high sensitivity generally require some form of restriction in most or all of the airport influence area.

Relative Sensitivity To Specified Impact	Airspace Protection			Nature of Compatibility Concerns
	Safety		Noise	
	Land Use Category			
General Characteristics				
Any use having more than 3 habitable floors	—			
		H		Tall buildings more difficult to evacuate in emergency
			M	
Any use having structures or trees 35 to 100 feet in height	—			
		M		Concern only if structure is habitable
			H	Potential airspace obstruction
Any use having structures or trees more than 100 feet in height	—			
		M		Concern only if structure is habitable
			H	Potential airspace obstruction
Any use having the potential to cause an increase in the attraction of birds or other wildlife	—			
		L		
			H	Bird strikes can cause aircraft accidents
Any use creating visual (e.g. smoke, glare) or electronic (communications, navigation) hazards to flight	—			
		L		
			M	Indicated conditions can cause aircraft accidents
Outdoor Uses (limited or no activities in buildings)				
Natural Land Areas: woods, brush lands, desert	L			
		L		
			L	
Water: flood plains, wetlands, lakes, reservoirs	L			
		L		
			H	Bird attractants
Agriculture (except residences and livestock): crops, orchards, vineyards, pasture, range land	L			
		L		
			M	Bird attractants
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse stables	M			Animals potentially noise sensitive
		L		
			M	Bird attractants
Outdoor Major Assembly Facilities (capacity ≥ 1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, zoos	M			Noise-sensitive events; animal sensitivity to noise
		H		High concentrations of people in confined areas
			M	Height of light standards; glare from lights
Group Recreation (limited spectator stands): athletic fields, water recreation facilities, picnic areas	M			Noise-sensitive events
		M		Potential concentrations of people in confined areas
			L	
Small/Non-Group Recreation: golf courses, tennis courts, shooting ranges	L			
		L		
			L	
Local Parks: children-oriented neighborhood parks, playgrounds	L			
		M		Potential concentrations of children in small areas
			L	
Camping: campgrounds, recreational vehicle / motor home parks	M			Noise sensitivity of overnight camping
		M		Possible high concentrations of people
			L	

Table C1

Relative Sensitivity of Land Use Categories

Calaveras County Airport

APPENDIX C AIRPORT LAND USE COMPATIBILITY CONCEPTS

Relative Sensitivity To Specified Impact	Airspace Protection			
	Safety		Noise	
Land Use Category				Nature of Compatibility Concerns
Cemeteries (except chapels)	L			
		L		
			L	
Residential and Lodging Uses				
Single-Family Residential: individual dwellings, townhouses, mobile homes, bed & breakfast inns	H			Noise-sensitive uses; potential speech & sleep disruption
		M		Risk-sensitive uses, especially close to runway ends
			L	
Multi-Family Residential	H			Noise-sensitive uses; potential speech & sleep disruption
		H		High concentrations of people; risk-sensitive uses
			L	
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories	H			Noise-sensitive uses; potential speech & sleep disruption
		M		Possible high concentrations of people
			L	
Short-Term Lodging (≤ 30 nights): hotels, motels, other transient lodging (except conference/assembly facilities) [approx. 200 s.f./person]	M			Noise sensitivity mitigated by short stays
		M		Possible high concentrations of people
			L	
Congregate Care: retirement homes, assisted living, nursing homes, intermediate care facilities	M			Noise-sensitive uses; potential speech & sleep disruption
		H		Risk heightened by low mobility of occupants
			L	
Educational and Institutional Uses				
Family day care homes (≤14 children)	H			Noise-sensitive uses; potential speech & sleep disruption
		H		Risk heightened by young age of children
			L	
Children's Schools: K-12, day care centers (> 14 children); school libraries	H			Noise-sensitive uses; potential speech & sleep disruption
		H		Risk heightened by young age of children
			L	
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]	M			Noise sensitive if outdoor activities involved
		M		Possible high concentrations of people
			L	
Community Libraries [approx. 100 s.f./person]	M			Noise sensitive if outdoor activities involved
		M		Possible high concentrations of people
			L	
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, concert halls, indoor arenas	M			Sensitive to intrusion of outside noise
		H		High concentrations of people
			L	
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]	M			Sensitive to intrusion of outside noise
		H		High concentrations of people
			L	
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios [approx. 60 s.f./person]	L			
		M		Possible high concentrations of people
			L	
In-Patient Medical: hospitals, mental hospitals	M			Potential sensitivity to outside noise intrusion
		H		Risk heightened by low mobility of patients
			L	
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]	L			
		M		Risk heightened by possible low mobility of patients
			L	

Table C1, continued

Relative Sensitivity To Specified Impact	Airspace Protection			
	Safety			
	Noise			
Land Use Category				Nature of Compatibility Concerns
Penal Institutions: prisons, reformatories	M			Possible sensitivity to nighttime noise intrusion
		M		Possible high concentrations of people
			L	
Public Safety Facilities: police, fire stations	L			
		M		Possible extended implications if disabled by accident
			L	
Commercial, Office, and Service Uses				
Major Retail: regional shopping centers, 'big box' retail [approx. 110 s.f./person]	L			
		H		Probable high concentrations of people
			L	
Local Retail: community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]	L			
		M		Possible high concentrations of people
			L	
Eating/Drinking Establishments: restaurants, fast-food dining, bars [approx. 60 s.f./person]	L			
		H		Probable high concentrations of people
			L	
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, lumber yards, nurseries [approx. 250 s.f./person]	L			
		M		Possible high concentrations of people
			L	
Offices: professional services, doctors, finance, civic; radio, television & recording studios, office space related to other listed uses [approx. 215 s.f./person]	L			
		M		Possible high concentrations of people
			L	
Personal & Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]	L			
		M		Possible high concentrations of people
			L	
Fueling Facilities: gas stations, trucking & transportation terminals	L			
		M		Hazardous materials storage
			L	
Industrial, Manufacturing, and Storage Uses				
Hazardous Materials Production: oil refineries, chemical plants	L			
		H		Large quantities of hazardous materials storage
			H	Possible smoke, steam, thermal plume emissions
Heavy Industrial	L			
		M		Probable storage of hazardous materials
			M	Possible smoke, steam, thermal plume emissions
Light Industrial, High Intensity: food products preparation, electronic equipment [approx. 200 s.f./person]	L			
		M		Possible concentrations of people; hazardous materials
			L	
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 300 s.f./person]	L			
		M		Possible high concentrations of people; hazardous materials
			L	
Research & Development [approx. 300 s.f./person]	L			
		M		Possible high concentrations of people; hazardous materials
			L	
Indoor Storage: wholesale sales, warehouses, mini/other indoor storage, barns, greenhouses[approx. 1,000 s.f./person]	L			
		L		
			L	

Table C1, continued

APPENDIX C AIRPORT LAND USE COMPATIBILITY CONCEPTS

Relative Sensitivity To Specified Impact	Airspace Protection			
	Safety			
	Noise			
Land Use Category				Nature of Compatibility Concerns
Outdoor Storage: public works yards, automobile dismantling	L			
		L		
			L	
Mining & Extraction	L			
		L		
			L	
Transportation, Communication, and Utilities				
Airport Terminals: airline, general aviation	L			
		M		Possible high concentrations of people
			L	
Rail & Bus Stations	L			
		M		Possible high concentrations of people
			L	
Transportation Routes: road & rail rights-of-way, bus stops	L			
		M		Possible high concentrations of people in stopped vehicles
			L	
Auto Parking: surface lots, structures	L			
		L		
			M	Possible airspace obstruction if near runway
Communications Facilities: emergency communications, broadcast & cell towers	L			
		M		Possible disruption of critical infrastructure
			M	Possible airspace obstruction
Power Plants	L			
		M		Possible disruption of critical infrastructure
			H	Possible airspace obstruction from facility & power lines
Electrical Substations	L			
		M		Possible disruption of critical infrastructure
			H	Possible airspace obstruction from facility & power lines
Wastewater Facilities: treatment, disposal	L			
		L		
			M	Possible bird attractant
Solid Waste Disposal Facilities: landfill, incineration	L			
		L		
			H	Significant potential for bird attraction
Solid Waste Transfer Facilities, Recycle Centers	L			
		L		
			M	Possible bird attractant

Legend

- *Not Applicable:* Characteristic not applicable to indicated impact type
- L *Low Sensitivity:* The land use category presents little or no concern with respect to the indicated impact type. Land use development restrictions to address the concern are generally not required anywhere in the airport influence area.
- M *Moderate Sensitivity:* The land use category presents moderate concern with respect to the indicated impact type. Land use development restrictions to address the concern are generally required in the most impacted portions of the airport influence area.
- H *High Sensitivity:* The land use category presents a high degree of concern with respect to the indicated impact type. Substantial land use development restrictions or prohibition of the land use category are generally required in most of the airport influence area.

Table C1, continued

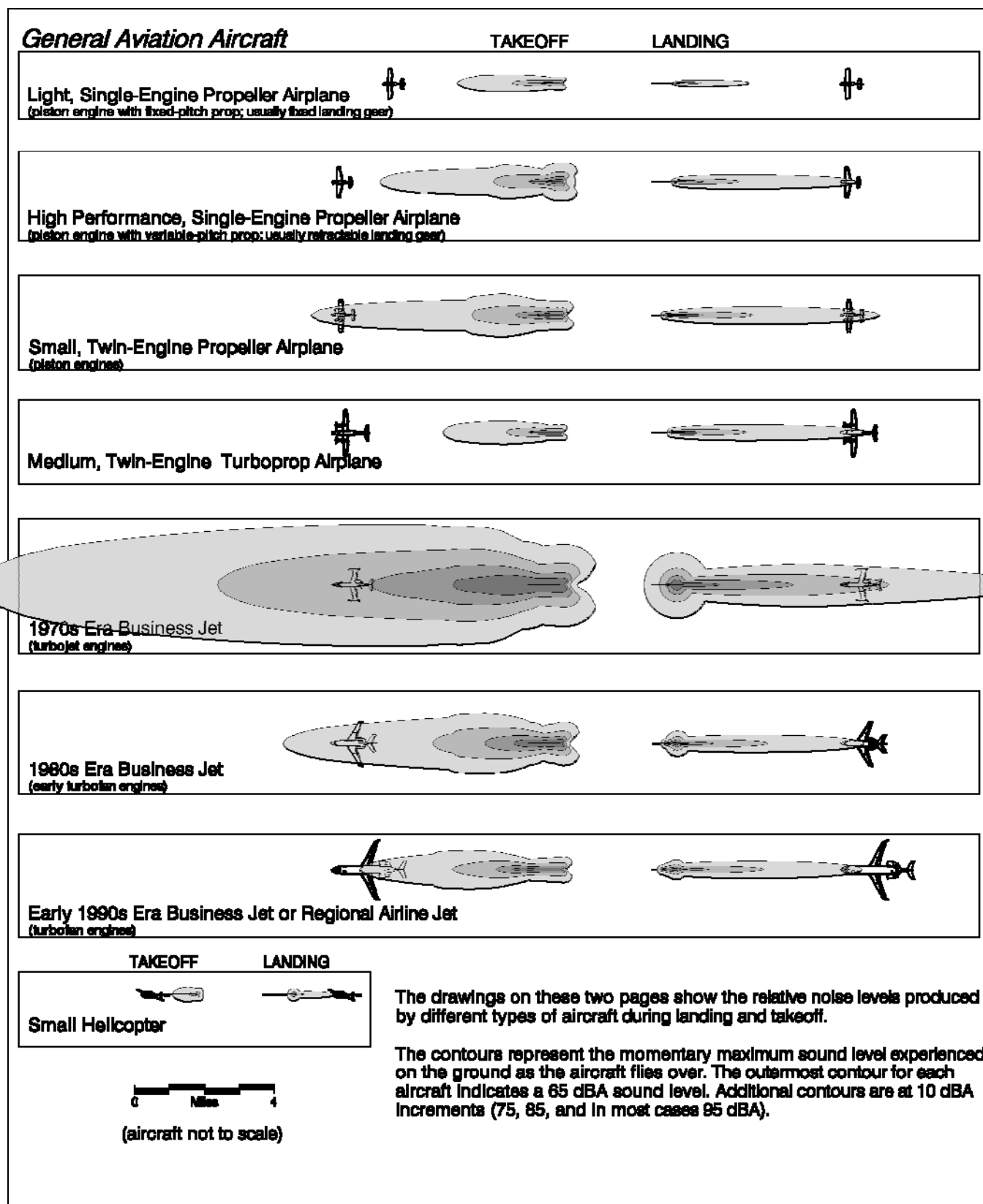


Figure C1

Noise Footprints of Selected Aircraft

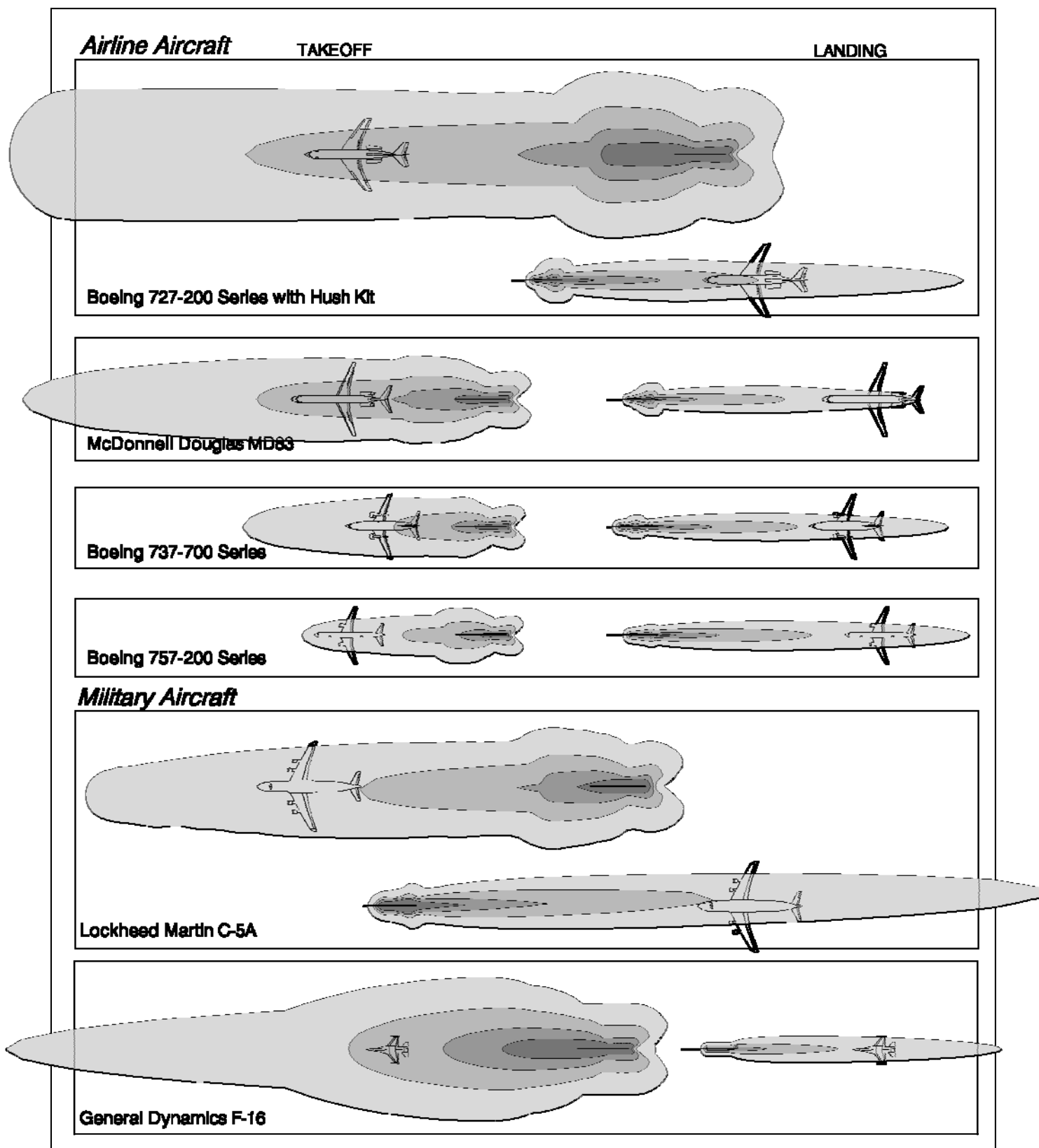
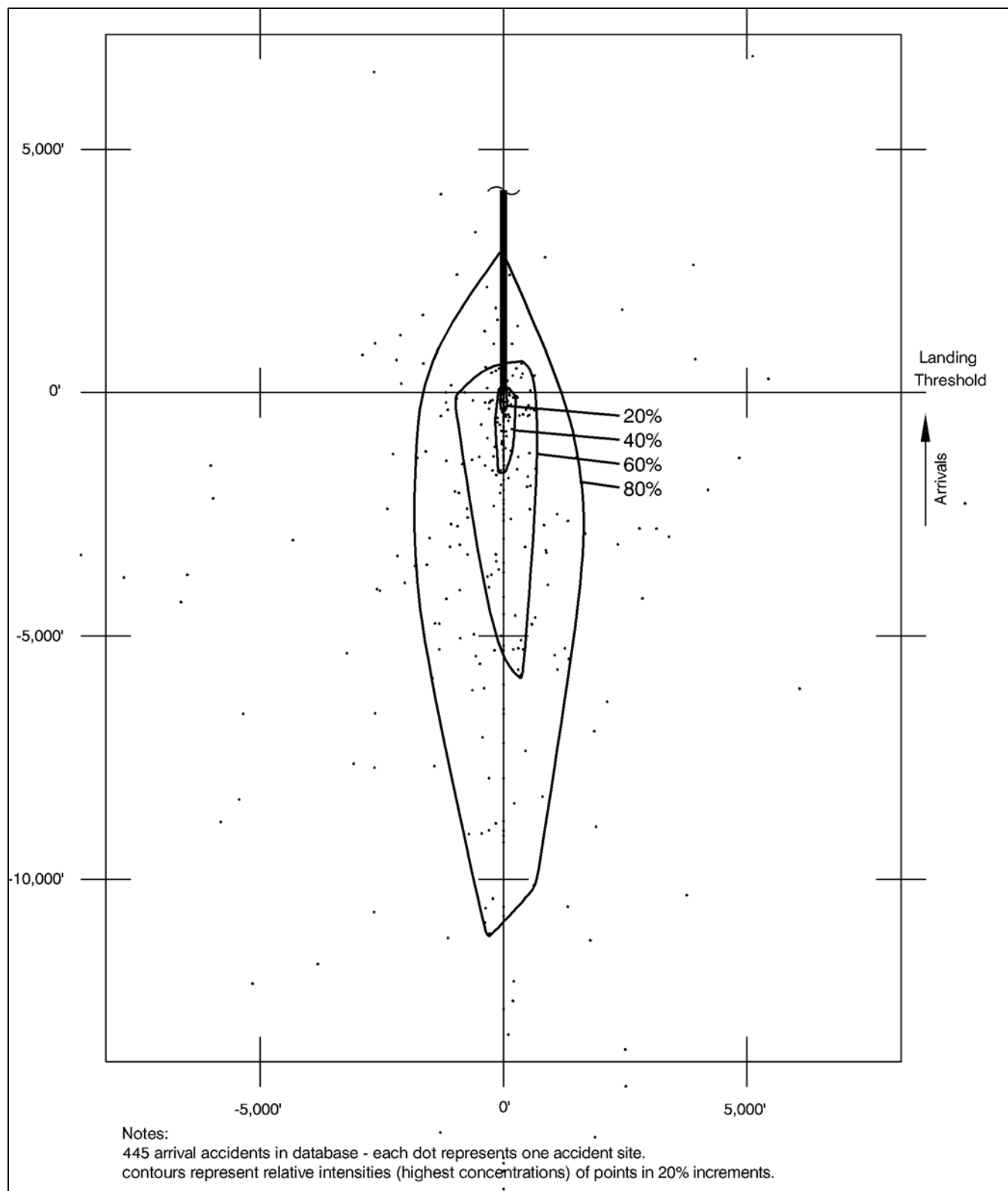


Figure C1, continued

**Figure C2****General Aviation Accident Distribution Contours****All Arrivals**

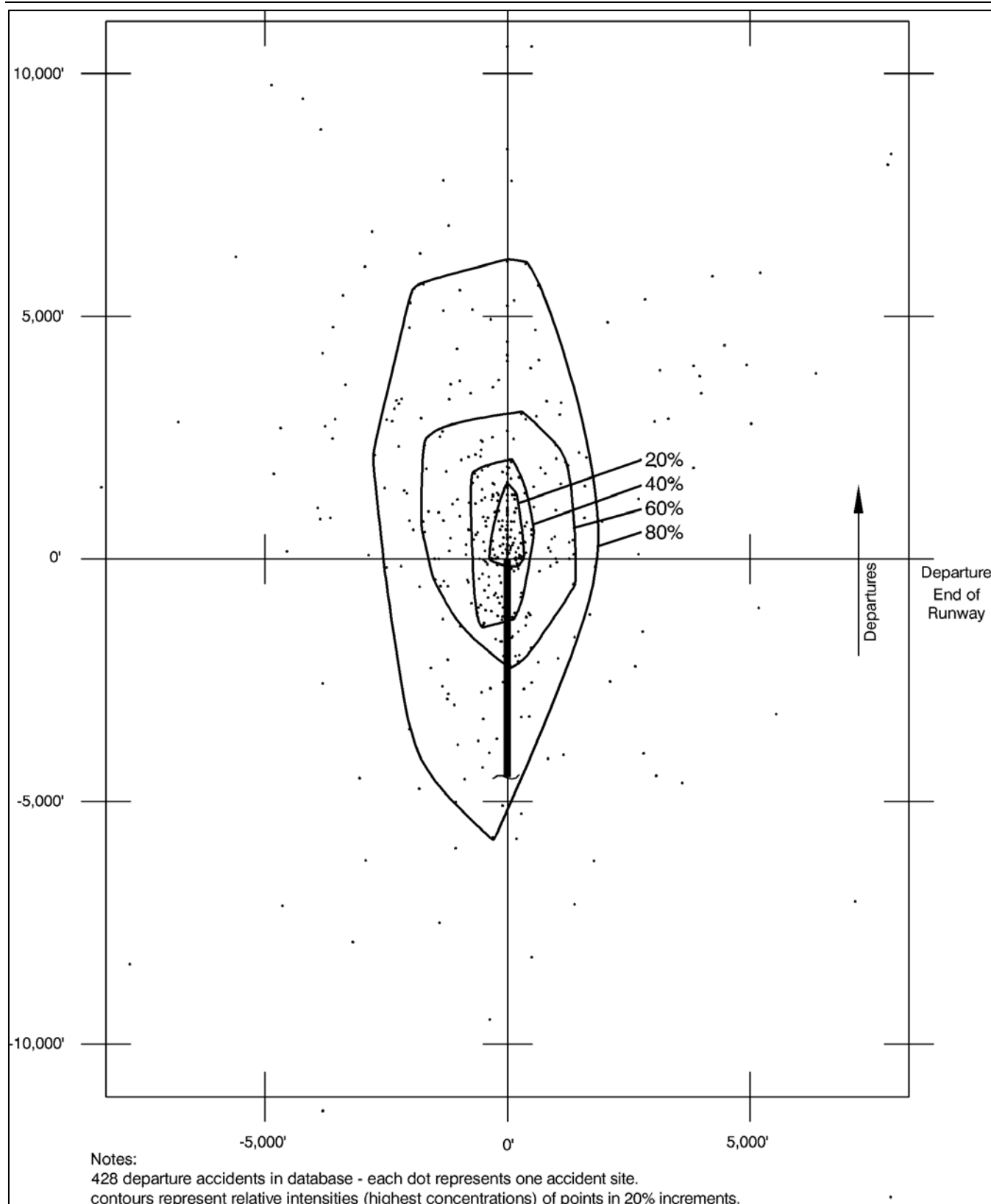


Figure C3

General Aviation Accident Distribution Contours

All Departures

Methods for Determining Concentrations of People

INTRODUCTION

The underlying safety compatibility criterion employed in this *Compatibility Plan* 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 Division of Aeronautics and is required under state law to be used as a guide in preparation of airport land use compatibility plans.

It is recognized, though, that “people per acre” is not a common measure in other facets of land use planning. This *Compatibility Plan* therefore also utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on the local level. This appendix both provides guidance on how the usage intensity determination can be made and defines the relationships between this measure, FAR, and other measures found in land use planning. For a discussion of the rationale for use of people per acre as a measure of risk exposure, see Appendix C.

COUNTING PEOPLE

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

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

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

Survey of Similar Uses

A survey of similar uses already in existence is one option. Gathering data in this manner can be time-consuming and costly, however. Also, unless the survey sample is sufficiently large and conducted at

various times, inconsistent numbers may result. Except for uncommon uses for which occupancy levels cannot be estimated through other means, surveys are most appropriate as supplemental information.

Maximum Occupancy

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

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table D1 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.

› 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.

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

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

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

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 3 of this *Compatibility Plan* 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 *Compatibility Plan* to determine whether the proposal is consistent or inconsistent with the policies.

Comparison with Floor Area Ratio

As noted earlier, usage intensity or people per acre is not a common metric in 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.

To facilitate local jurisdiction implementation, the Safety Compatibility Criteria table in Chapter 3 has been structured around FAR measures to determine usage intensity limits for many types of nonresidential land use development. To utilize FAR in this manner, a critical additional piece of information is necessary to overcome the major shortcoming of FAR as a safety compatibility measure. The problem with 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. The Safety Compatibility Criteria table therefore indicates the assumed occupancy load factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{(\text{allowable usage intensity}) \times (\text{occupancy load factor})}{43,560}$$

where *usage intensity* is measured in terms of people per acre and *occupancy load factor* as square feet per person.

Selection of the usage intensity, occupancy level, and FAR numbers that appear in the Safety Compatibility Criteria table was done in an iterative manner that considered each of the components both separately and together. Usage intensities were initially set with respect to guidelines provided in the *California Airport Land Use Planning Handbook* (see Appendix C). Occupancy levels were derived from the

CBC, but were adjusted based upon additional research from both local and national sources in the manner discussed earlier in this appendix. The FAR limits were initially calculated from these other two numbers using the formula above.

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 indicated in the Safety Compatibility Criteria table for office uses is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in the table is slightly more restrictive than would result from a higher occupancy load factor.

Use		Minimum Square Feet per Occupant
1.	Aircraft Hangars (no repair)	500
2.	Auction Rooms	7
3.	Assembly Areas, Concentrated Use (without fixed seats)	7
	Auditoriums	
	Churches and Chapels	
	Dance Floors	
	Lobby Accessory to Assembly Occupancy	
	Lodge Rooms	
	Reviewing Stands	
	Stadiums	
	Waiting Areas	3
4.	Assembly Areas, Less Concentrated Use	15
	Conference Rooms	
	Dining Rooms	
	Drinking Establishments	
	Exhibit Rooms	
	Gymnasiums	
	Lounges	
	Stages	
	Gaming	11
5.	Bowling Alley (assume no occupant load for bowling lanes)	4
6.	Children's Homes and Homes for the Aged	80
7.	Classrooms	20
8.	Congregate Residences	200
9.	Courtrooms	40
10.	Dormitories	50
11.	Dwellings	300
12.	Exercising Rooms	50
13.	Garage, Parking	200
14.	Health-Care Facilities	80
	Sleeping Rooms	120
	Treatment Rooms	240
15.	Hotels and Apartments	200
16.	Kitchen – Commercial	200
17.	Library Reading Room	50
	Stack Areas	100
18.	Locker Rooms	50
19.	Malls	Varies
20.	Manufacturing Areas	200
21.	Mechanical Equipment Room	300
22.	Nurseries for Children (Daycare)	35
23.	Offices	100
24.	School Shops and Vocational Rooms	50
25.	Skating Rinks	50 on the skating area; 15 on the deck
26.	Storage and Stock Rooms	300
27.	Stores – Retail Sales Rooms	
	Basements and Ground Floors	30
	Upper Floors	60
28.	Swimming Pools	50 for the pool area; 15 on the deck
29.	Warehouses	500
30.	All Others	100

Source: California Building Code (2001), Table 10-A

Table D1

Occupant Load Factors

California Building Code

General Plan Consistency Checklist

This checklist is intended to assist counties and cities with modifications necessary to make their 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. The list will need to be modified to reflect the policies of each individual ALUC and is not intended as a state requirement.

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 often 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.

- ▶ **Secondary Dwellings**—Detached secondary dwellings on the same parcel should be counted as additional swellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.
- ▶ **Intensity Limitations on Nonresidential Uses**—Local policies must be established to limit 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 as 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 day care centers, hospitals, and certain other uses within much of each 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.

Zoning or Other Policy Documents, Continued

- ▶ **Open Land Requirements**—Compatibility plan requirements, if any, for assuring that a minimum amount of open land is preserved for 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 also must be established.
- ▶ **Infill Development**—If a compatibility plan contains infill policies and a jurisdiction wishes to take advantage of them, the lands which meet the qualifications must be shown on a map.
- ▶ **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 Part 77 of the Federal Aviation Regulations, but may include exceptions for objects on high terrain if provided for in the compatibility plan. 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.
- ▶ **Noise Insulation Requirements**—Some compatibility plans call for certain buildings proposed for construction within high noise-impact areas to demonstrate that they will contain sufficient sound insulation to reduce aircraft-related noise to an acceptable level. These criteria apply to new residences, schools, and certain other buildings containing noise-sensitive uses. Local policies must include parallel criteria.
- ▶ **Buyer Awareness Measures**—As a condition for approval of development within certain compatibility zones, some compatibility plans require either dedication of an aviation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local jurisdiction policies must contain similar requirements. Compatibility plans also may encourage, but should not require, local jurisdictions to adopt a policy stating that airport proximity and the potential for aircraft overflights be disclosed as part of real estate transactions regarding property in the airport influence area.
- ▶ **Nonconforming Uses and Reconstruction**—Local jurisdiction policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the compatibility plan, if any.

Source: *California Airport Land Use Planning Handbook* (January 2002)

REVIEW PROCEDURES

In addition to incorporation of ALUC compatibility criteria, local jurisdiction 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**—State law specifies which types of development actions must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the jurisdiction's intent to comply with the state statute.
- ▶ **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, compatibility plan may identify certain major land use actions for which referral to the ALUC is dependent upon agreement between the jurisdiction and the ALUC. If the jurisdiction fully complies with all of the items in this general plan consistency check list or has taken the necessary steps to overrule the ALUC, then referral of the additional actions is voluntary. On the other hand, a jurisdiction 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 jurisdiction's intentions in this regard.
- ▶ **Process for Compatibility Reviews by Local Jurisdictions**—If a jurisdiction 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 which involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the compatibility plan 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.

Sample Implementation Documents

The responsibility for implementation of the compatibility criteria set forth in the *Calaveras County Airport Land Use Compatibility Plan* rests largely with the County of Calaveras, acting in its capacity as the Airport Land Use Commission (ALUC) for Calaveras County and affected cities. As described in Appendix E, modification of general plans and specific plans for consistency with applicable compatibility plans 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 *Compatibility Plan* 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. Table F1 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 *Calaveras County Airport Land Use Compatibility Plan* 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 *Compatibility Plan* requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specific easement dedication requirements are set forth in Chapter 2. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Table F2.
- ▶ **Recorded Overflight Notification**—A recorded 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. Suggested wording of an overflight notification is included in Table F3. Unlike an avigation easement, overflight easement, or other type of easement, an overflight notifica-

tion is not a conveyance of property rights. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with sale of the property to subsequent owners. Overflight notifications are generally appropriate in areas outside the 60 dB CNEL noise contour, outside Safety Zones, and within areas where the height of structures and other objects would not pose a significant potential of being airspace obstruction hazards.

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

Source: *California Airport Land Use Planning Handbook* (January 2002)

Table F1

Sample Airport Combining Zone Components

Typical Avigation Easement

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

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. *[For military airports: Grantee shall hold said easement on behalf of the United States Government.]* The property which is subject to this easement is depicted as _____ on “Exhibit A” attached and is more particularly described as follows:

[Insert legal description of real property]

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

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

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

- (1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or 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 F2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of Calaveras, for the direct benefit of the real property constituting the Calaveras County Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit 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 Calaveras County Airport, in the County of Calaveras, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of *[for public-use airports: the Grantee and any and all members of the general public]* *[for military airports: the United States Government]* who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the Calaveras County Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, 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 Calaveras County Airport is the dominant tenement.

DATED:

STATE OF }

ss

COUNTY OF }

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

WITNESS my hand and official seal.

Notary Public

Source: *California Airport Land Use Planning Handbook* (January 2002)

Table F2, continued

OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the City of _____, County of Calaveras, 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 Calaveras County for overflight notification provided in the Calaveras County Airport Land Use Compatibility Plan.

NOTICE OF AIRPORT IN VICINITY: This property is located in the vicinity of an airport and within the airport influence area. The property may be subject to some of the annoyances or inconveniences associated with proximity to an airport and aircraft operations (for example: noise, vibration, overflights or odors). Individual sensitivities to those annoyances can vary from person to person. You should consider what airport annoyances, if any, affect the Property before you complete your purchase and whether they are acceptable to you.

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Calaveras County Airport. 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 military aircraft.

The Airport Operator, The County of Calaveras 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 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__

Table F3

Sample Overflight Notification

Glossary of Terms

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

Accident Potential Zones (APZs): A set of safety-related zones defined by AICUZ studies for areas beyond the ends of military airport runways. Typically, three types of zones are established: a clear zone closest to the runway end, then APZ I and APZ II. The potential for aircraft accidents and the corresponding need for land use restrictions is greatest with the clear zone and diminishes with increased distance from the runway.

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.

Air Installation Compatible Use Zones (AICUZ): A land use compatible plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local governments bodies having jurisdiction over land uses surrounding these facilities.

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 or serious injuries nor substantial damage to the aircraft occur.

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

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

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

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

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

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

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

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

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

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

► **Temporary Helicopter Landing Site:** A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and

- (1) is used or intended to be used for less than one year, except for recurrent annual events and
- (2) is not marked or lighted to be distinguishable as a heliport and
- (3) is not used exclusively for helicopter operations.

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

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

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

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

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

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

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

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

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

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

Clear Zone: The military airport equivalent of runway protection zones at civilian airports.

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)

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.

FAR Part 77: The part of the Federal Aviation Regulations that deals with objects affecting navigable airspace.

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

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

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

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

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

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

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

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

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

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

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

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or

to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Overlay Zone: See *Combining District*.

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

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

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

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

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

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

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)

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

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

AIM: Aeronautical Information Manual

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

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

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

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

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board