

PLACER COUNTY

Airport Land Use Compatibility Plans

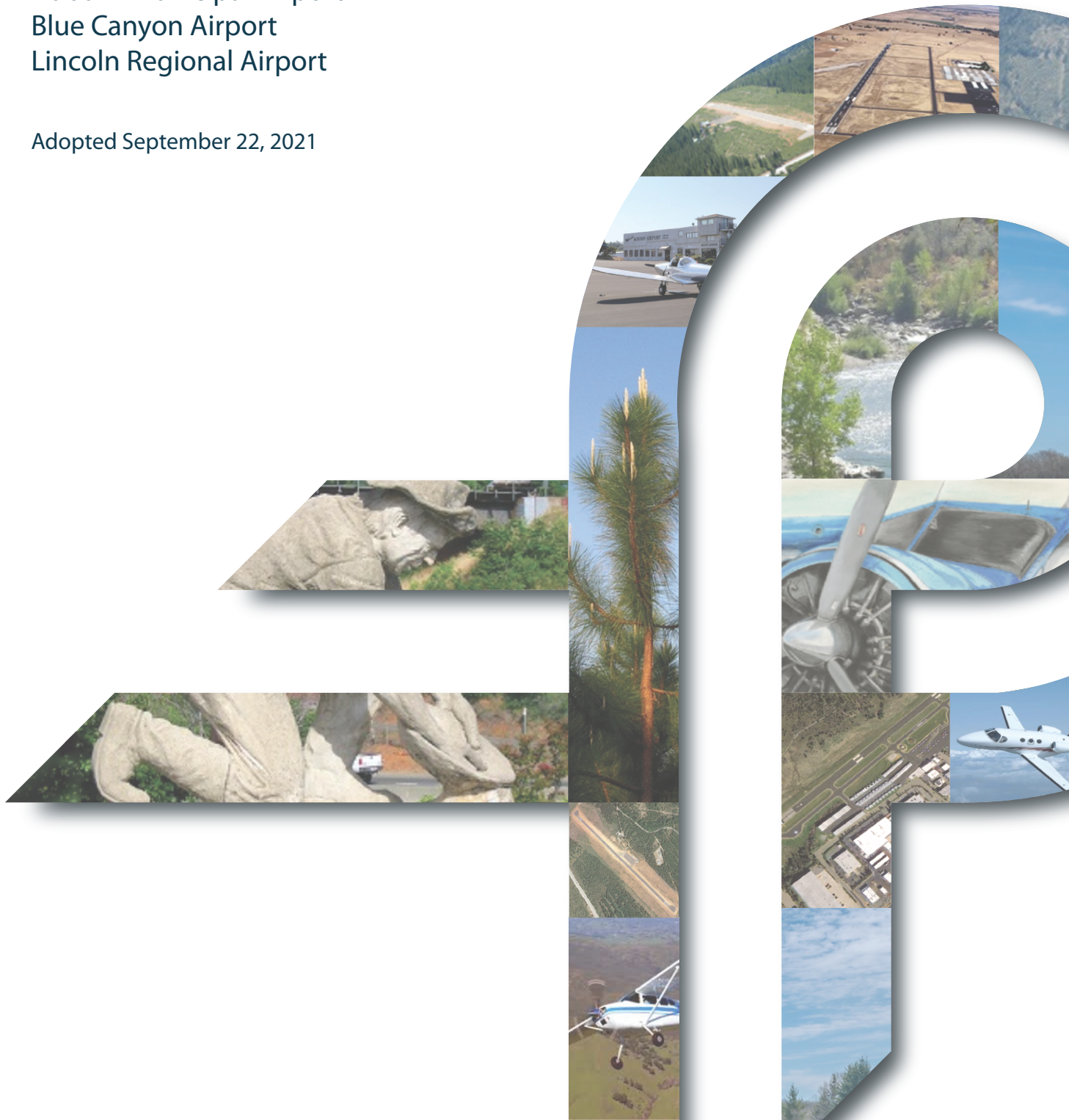
Containing Individual Plans for:

Auburn Municipal Airport

Blue Canyon Airport

Lincoln Regional Airport

Adopted September 22, 2021



Chapter **3**

**Countywide Compatibility
Policies**

Countywide Compatibility Policies

3.1. CRITERIA FOR REVIEW OF GENERAL PLANS, SPECIFIC PLANS, ZONING ORDINANCES, AND BUILDING REGULATIONS

- 3.1.1. *Statutory Requirement:* State law requires that each *Local Agency* having territory within an *Airport Influence Area* modify its general plan and any applicable specific plan to be consistent with the compatibility plan for the particular airport unless it takes the steps required to *Overrule* the *PCALUC*. In order for a general plan to be considered consistent with this *ALUCP*, the requirements listed in Policies 3.1.2 and 3.1.3 following must be met.¹
- 3.1.2. *Elimination of Conflicts:* No direct conflicts can exist between the two plans.
- (a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in the *Basic Compatibility Criteria* table for each *Airport*. In addition, conflicts with regard to other policies—height limitations in particular—may exist.
 - (b) A general plan cannot be found inconsistent with the *ALUCP* because of land use designations that reflect *Existing Land Uses* even if those designations conflict with the compatibility criteria of this *ALUCP*. General plan land use designations that merely echo the *Existing Land Uses* are exempt from requirements for general plan consistency with the *ALUCP*.²
 - (c) Proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *ALUCP* and are subject to *PCALUC* review in accordance with Policies 2.5.2(a)(10) and 2.7.3(d). To ensure that *Nonconforming Uses* do not become more nonconforming, general plans or implementing documents must include policies setting limitations on expansion and *Reconstruction* of *Nonconforming Uses* located within an *Airport Influence Area* consistent with Policies 3.7.3 and 3.7.4.
 - (d) To be consistent with the *ALUCP*, a general plan and/or implementing ordinance also must include provisions ensuring long-term compliance with the compatibility criteria. For example, future reuse of a building must not result in a usage *Intensity* that exceeds the applicable standard or other limit set by the *PCALUC* (see Policy 3.4.5).

¹ See Chapter 1 and Appendix G for additional guidance.

² This exemption derives from state law which proscribes *ALUC* authority over *Existing Land Uses*.

- 3.1.3. *Establishment of Review Process: Local Agencies* must define the process they will follow when reviewing proposed land use development within an *Airport Influence Area* to ensure that the development will be consistent with the policies set forth in this *ALUCP*.
- (a) The process established must ensure that the proposed development is consistent with the land use or zoning designation indicated in the *Local Agency's* general plan, specific plan, zoning ordinance, and/or other development regulations that the *PCALUC* has previously found consistent with this *ALUCP* and that the development's subsequent use or reuse will remain consistent with the policies herein over time. Additionally, consistency with other applicable compatibility criteria—e.g., usage *Intensity*, height limitations, *Avigation Easement* dedication—must be assessed.
 - (b) The review process may be described either within the general plan or specific plan(s) themselves or in implementing ordinances. Local jurisdictions have the following choices for satisfying this review process requirement:
 - (1) Sufficient detail can be included in the general plan or specific plan(s) and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable *ALUCP* (this means both that the compatibility criteria be identified and that project review procedures be described);
 - (2) The *ALUCP* can be adopted by reference (in this case, the project review procedure must be described in a separate policy document or memorandum of understanding presented to and approved by the *PCALUC*); and/or
 - (3) The general plan can indicate that all *Land Use Actions*, or a list of *Land Use Action* types agreed to by the *PCALUC*, shall be submitted to the *PCALUC* for review in accordance with the policies of Section 2.4.
- 3.1.4. *Land Use Conversion:* The compatibility of uses in the *Airport Influence Areas* shall be preserved to the maximum feasible extent. Particular emphasis should be placed on preservation of existing agricultural and open space uses.
- (a) The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses within *Compatibility Zones A, B1, B2, and C1* is strongly discouraged.
 - (b) In *Compatibility Zone C2*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) which would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

3.2. CRITERIA FOR REVIEW OF LAND USE ACTIONS

- 3.2.1. *Evaluating Compatibility of New Land Uses:* The compatibility of proposed land uses within an *Airport Influence Area* shall be evaluated in accordance with:
- (a) The general policies set forth in Sections 0 through 3.7 of this Chapter addressing noise, safety, airspace protection, overflight impacts and special circumstances.
 - (b) The airport-specific policies provided for each *Airport* and presented in:
 - (1) Chapter 4 for Auburn Municipal Airport
 - (2) Chapter 5 for Blue Canyon Airport

- (3) Chapter 6 for Lincoln Regional Airport
 - (c) The Basic Compatibility Criteria table provided for each *Airport*:
 - (1) Chapter 4, **Table AUB-4A** for Auburn Municipal Airport
 - (2) Chapter 5, **Table BLU-5A** for Blue Canyon Airport
 - (3) Chapter 6, **Table LIN-6A** for Lincoln Regional Airport
 - (d) The Compatibility Policy Map provided for each Airport:
 - (1) Chapter 4, **Map AUB-4A** for Auburn Municipal Airport
 - (2) Chapter 5, **Map BLU-5A** for Blue Canyon Airport
 - (3) Chapter 6, **Map LIN-6A** for Lincoln Regional Airport
 - (e) The Airspace Protection Surfaces Map provided for each *Airport*:
 - (1) Chapter 4, **Map AUB-4B** for Auburn Municipal Airport
 - (2) Chapter 5, **Map BLU-5B** for Blue Canyon Airport
 - (3) Chapter 6, **Map LIN-6B** for Lincoln Regional Airport
- 3.2.2. *Compatibility Criteria Tables*: The *Basic Compatibility Criteria* table provided for each *Airport* lists general land use categories and indicates each use as being either “normally compatible,” “conditional,” or “incompatible” depending upon the *Compatibility Zone(s)* in which it is located.
- (a) These terms are defined to mean the following:
 - (1) “Normally Compatible” means that normal examples of the use are presumed to comply with the noise, safety, airspace protection, and overflight criteria set forth in this Chapter. Atypical examples of a use may require review to ensure compliance with usage *Intensity*, lot coverage, and height limit criteria.
 - (2) “Conditional” means that the proposed land use is compatible if the indicated usage *Intensity*, open land, and other listed conditions are met. Complex *Projects* with this determination may require more detailed evaluation using the specific noise, safety, airspace protection, and overflight compatibility policies set forth in Sections 0 through 0 and criteria for special circumstances outlined in Section 3.7 of this Chapter. For the purposes of these criteria, “avoid” is intended as cautionary guidance, not a prohibition of the use.
 - (3) “Incompatible” means that the use should not be permitted under any normal circumstances. Limited exceptions are possible for site-specific special circumstances (see Policy 3.2.3(b)).
 - (b) Land uses not specifically listed in the *Basic Compatibility Criteria* tables shall be evaluated using the criteria for similar listed uses. The *Occupancy Load Factor* (square feet per person) listed for many nonresidential uses can be used as a comparative guide in this regard. In all cases, proposed nonresidential uses must meet the *Intensity* criteria listed in the *Basic Compatibility Criteria* table header. *Project* proponents are encouraged to provide information regarding the land use category into which they intend their *Project* to belong as well as their calculations regarding the *Project’s* expected total occupancy.
 - (c) Multiple land use categories and the compatibility criteria associated with them may apply to a *Project*.

- (d) Each land use type in mixed-use developments shall individually comply with the criteria in the *Basic Compatibility Criteria* table for each airport. Mixed-use developments shall be evaluated in accordance with Policies 3.3.4 and 3.4.8.
- (e) For details regarding usage *Intensity* and open land criteria indicated in the *Basic Compatibility Criteria* table for each *Airport* see the safety compatibility criteria in Section **Error! Reference source not found..**
- 3.2.3. *Compatibility Policy Map:* The *Compatibility Zones* depicted in the *Compatibility Policy Map* for each *Airport* takes into account all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight.
- (a) Chapters 4 through 6 identify the relative contributions of noise, safety, airspace protection, and overflight factors to the delineation of each of the *Compatibility Zones*.
- (b) The individual compatibility factors can be used to help assess how heavily each compatibility factor should be weighed when evaluating a proposed *Project* in a particular zone. It also can serve to suggest what types of modifications to the *Project* might make the proposal acceptable given the *Project's* degree of sensitivity to a particular compatibility factor (for example, knowing that a *Noise-Sensitive Land Use* is in a high-noise area may indicate a need for sound attenuation in the structure, whereas a safety-sensitive land use in a high-risk area may need to be altered to reduce the number of people present). Chapters 7 through 9 depict the individual compatibility factors for each *Airport*.
- 3.2.4. *Special Conditions Exception:* The policies and criteria set forth in this *ALUCP* are intended to be applicable to all locations within an *Airport Influence Area*. However, there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. After due consideration of all the factors involved in such situations and consultation with *Airport* management, the PCALUC may find a normally incompatible use to be acceptable.
- (a) In considering any such exceptions, the PCALUC shall take into account the potential for the use of a building to change over time (see Policy 3.4.5). A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agency* permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria must be put in place.
- (b) In considering any such exceptions, the PCALUC shall also take into account the need for special measures to reduce the risks to building occupants in the event that the building is struck by an aircraft.
- (1) Such measures must provide a clear, demonstrable, and permanent overall improvement in safety.
- (2) To the extent not otherwise required by applicable building codes, added building design features that may enhance safety include, but are not limited to, the following:
- Using concrete walls;
 - Limiting the number and size of windows;
 - Upgrading the strength of the building roof;
 - Avoiding skylights;
 - Enhancing the fire sprinkler system;

- Limiting buildings to a single story; and
 - Increasing the number of emergency exits.
- (3) The *Project* applicant must provide documentation describing which of these features are proposed to be added in the building design and how these additional features differ from the otherwise applicable building codes.
- (4) If a requested Special Conditions Exception seeks to allow an increase in the number of building occupants beyond the limits set by this *ALUCP*, an emergency evacuation plan, reviewed and endorsed by the local Fire Marshall, shall be established and included with the documentation submitted to the PCALUC.
- (c) In reaching a decision, the PCALUC shall make specific findings as to why the exception is being made and that the land use will neither create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
- (d) The burden for demonstrating that special conditions apply to a particular development proposal rests with the *Project* proponent and/or referring *Local Agency*, not with the PCALUC.
- (e) The granting of a Special Conditions Exception shall be considered site specific and shall not be generalized to include other sites.
- (f) Approval of a special site conditions exception shall require a majority approval of the PCALUC members present and voting on the matter.
- (g) Airport-Specific Special Conditions Policies:
- (1) Special conditions are acknowledged by the PCALUC in the adoption of this *ALUCP* for the following *Airports* in Placer County:
- Auburn Municipal Airport (see Section 4.3)
 - Lincoln Regional Airport (see Section 6.3)
- (2) These special conditions result in establishment of *Compatibility Zone* boundaries and/or compatibility criteria different in character from the zones and criteria applicable to other *Airports* in the county. These special policies are not to be generalized or considered as precedent applicable to other locations near the same *Airport* or to the environs of other *Airports* addressed by this *ALUCP*.
- 3.2.5. *Rare Special Events Exception*: The PCALUC, PCALUC Executive Director, or the involved *Local Agency* (once its general plan, applicable specific plans, and zoning ordinance have been made consistent with the *ALUCP*) may make exceptions for “Conditional” or “Incompatible” land uses associated with rare special events (e.g., an air show at the airport, street fair, golf tournament) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.

3.3. NOISE COMPATIBILITY POLICIES

NOISE COMPATIBILITY POLICIES BACKGROUND INFORMATION

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

Policy Objective

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

Measures of Noise Exposure

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

The noise contours for each airport covered by this *ALUCP* are presented in Chapters 7 through 9 and reflect the airport activity levels documented in these chapters. The noise contours represent the greatest annualized noise impact, measured in terms of *CNEL*, which is anticipated to be generated by the aircraft operating at the airport over the planning time frame.

Factors Considered in Setting Noise Compatibility Policies

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

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

- 3.3.1. *Maximum Acceptable Exterior Noise Exposure:* To minimize *Noise-Sensitive* development in noisy areas around an *Airport*, new land use development shall be restricted in accordance with the following.
- (a) The maximum *CNEL* considered normally acceptable for residential uses in the vicinity of an *Airport* is 60 dB. The *CNEL* 60 dB contour is one of the factors considered in establishing the *Compatibility Zone* boundaries and residential *Density* criteria. For the purposes of implementing this policy:
 - (1) No new dwelling shall be permitted within *Compatibility Zone A*.
 - (2) Except as allowed by right in accordance with Policy 2.7.4, the maximum *Density* of residential uses in *Compatibility Zones B1, B2 and C1* shall be as indicated in Policy 3.4.1(b).
 - (3) Within *Compatibility Zones C2 and D*, the *Density* of new residential development is not limited.
 - (4) A parcel on which residential uses are permitted by right in accordance with Policy 2.7.4 and by local land use regulations within *Compatibility Zones B1, B2 or C1* shall locate the dwelling outside of the zones when feasible or locate the dwelling a maximum distance from the extended runway centerline.
 - (b) New nonresidential development shall be deemed incompatible in locations where the airport-related noise exposure would be highly disruptive to the specific land use.
 - (1) Highly *Noise-Sensitive Land Uses* are flagged with a symbol (→) in the *Basic Compatibility Criteria* table for each *Airport*.
 - (2) Caution must be exercised with regard to approval of outdoor uses—the potential for aircraft noise to disrupt the activity shall be taken into account.
 - (3) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.3.2 and as noted in the *Basic Compatibility Criteria* table for each airport.
- 3.3.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within *Compatibility Zones B1, B2 and C1* shall incorporate sound attenuation design features sufficient to meet the interior noise level criteria specified by this policy. All future structures outside of these *Compatibility Zones* are presumed to meet the interior noise level requirement with no special added construction techniques.³
- (a) For the following land uses, the aircraft-related interior noise level shall be no greater than *CNEL* 45 dB by ensuring a noise level reduction (NLR) of 25 dB in *Compatibility Zones B1 and B2* and an NLR of 20 dB in *Compatibility Zone C1*.
 - (1) Any habitable room of single or multi-family residences (including family day care homes with 14 or fewer children);
 - (2) Hotels, motels, and other long-term and short-term lodging;
 - (3) Hospitals, nursing homes and other congregate care facilities;
 - (4) Places of worship, meeting halls, theaters, and mortuaries; and

³ A typical mobile home has an exterior-to-interior noise level reduction (NLR) of at least 15 dB with windows closed. Wood frame buildings constructed to meet current standards for energy efficiency typically have an NLR of at least 20 dB with windows closed.

- (5) Schools, libraries, and museums.
 - (b) 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) of this policy shall be submitted to the involved *Local Agency* as part of the building permit process. The calculations should assume that windows are closed. The *Local Agency* shall be responsible for assuring compliance.
 - (c) Exceptions to the interior noise level criteria in Paragraphs (a) and (b) of this Policy may be allowed where evidence is provided that the indoor noise generated by the use itself exceeds the listed criteria.
- 3.3.3. *Noise-Sensitive Land Uses*: Single-event noise levels should be considered when evaluating the compatibility of highly *Noise-Sensitive Land Uses* such as residences, schools, libraries, and outdoor theaters (see Policy 2.1.28). Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in the *Basic Compatibility Criteria* table for each *Airport* take into account single-event noise concerns.
- (a) The *PCALUC* may require acoustical studies or on-site noise measurements to assist in determining the compatibility of *Land Use Actions* involving *Noise-Sensitive Land Uses*.
 - (b) Single-event noise levels are especially important in areas that are regularly overflown by aircraft, but that do not produce significant *CNEL* contours (helicopter overflight areas are a particular example). Flight patterns for the *Airport* should be considered in the review process including in locations beyond the mapped noise contours. The flight patterns for each *Airport* covered by this *ALUCP* are provided in Chapters 7 through 9.
- 3.3.4. *Noise Criteria for Mixed-Use Development*: The residential and nonresidential components of a mixed-use development shall individually satisfy the noise criteria set forth in Policies 3.3.1, 3.3.2., and 3.3.3. if the development contains *Noise-Sensitive Land Uses*. See Policy 3.4.8 for applicable safety criteria.

3.4. SAFETY COMPATIBILITY POLICIES

SAFETY COMPATIBILITY POLICIES BACKGROUND INFORMATION

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

Policy Objective

The intent of land use safety compatibility policies is to minimize the risks associated with an off-airport aircraft accident or emergency landing. The policies focus on reducing the potential consequences of such events should they occur. Risks both to people and property in the vicinity of an *Airport* and to people on board the aircraft are considered (land use features that can be the *cause* of an aircraft accident are addressed under Airspace Protection, Section **Error! Reference source not found.**

Measures of Risk Exposure

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

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

Factors Considered in Setting Safety Compatibility Policies

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

- The runway length, approach categories, normal flight patterns, and aircraft fleet mix at the *Airport*. These factors are reflected in the *Compatibility Zones* shapes and sizes.
- The locations, delineated with respect to each *Airport's* runway, where aircraft accidents typically occur near airports and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook*. The *Handbook* guidance regarding safety compatibility forms the basis for the safety component of the composite *Compatibility Zones* established for each *Airport* and the maximum usage intensities (people per acre) criteria indicated in Policy 3.4.2 and in the *Basic Compatibility Criteria* table for each *Airport*.
- Nonresidential intensities are limited in terms of both the average number of people on a site and the congregation of people in a 1.0-acre area. The average acre limit reduces the overall number of people in areas of risk, whereas the 1.0-acre limit protects against the consequences of an out-of-control aircraft striking where people are gathered. See further discussion in 2011 *Handbook*, page 4-27.
- *Handbook* guidance regarding residential densities in rural and suburban areas. Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of certain land use characteristics that represent safety concerns regardless of the number of people present; specifically: vulnerable occupants (children, elderly, disabled), hazardous materials, and critical community infrastructure.
- The extent to which development covers the ground and thus limits the options of where the pilot of an aircraft in distress can attempt an emergency landing.
- The extent to which the occupied parts of a *Project* site are concentrated in a small area. Concentrated high intensities heighten the risk to occupants if an aircraft should it strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area of a large *Project* site are appropriate.

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

- (a) Residential *Density* shall be measured in terms of dwelling units per acre (du/ac).
- (b) The maximum allowable residential *Density* within each *Compatibility Zone* shall be as indicated in:

- (1) **Table AUB-4A**, *Basic Compatibility Criteria*, Auburn Municipal Airport (see Chapter 4);
 - (2) **Table BLU-5A**, *Basic Compatibility Criteria*, Blue Canyon Airport (see Chapter 5);
 - (3) **Table LIN-6A**, *Basic Compatibility Criteria*, Lincoln Regional Airport (see Chapter 6).
- (c) All residential uses must comply with both the “sitewide average” and “single-acre” usage *Density* limits indicated for each *Compatibility Zone*.
- (1) The “sitewide average” *Density* equals the total number of dwelling units divided by the site size in acres (i.e., the total acreage of the *Project* site) which may include multiple parcels.
 - (2) The “single-acre” *Density* equals the number of dwelling units in any single acre of the *Project*.
- (d) Clustering of residential development within single acre anywhere on a *Project* site shall be limited as follows:
- (1) Within *Compatibility Zone A*, residential development is not permitted.
 - (2) Within *Compatibility Zones B1, B2, and C1*, clustering shall be limited to no more than 1.5 times the average *Density* as indicated in **Tables AUB-4A, BLU-5A, and LIN-6A** for the respective zone.
- (e) Within *Compatibility Zones B1 and B2*, dwellings shall be located outside of the zones where feasible or, if such siting is not feasible, then the maximum practical distance from the extended runway centerline.
- (f) See Policy 3.4.8 with regard to calculating the *Density* of mixed-use development.
- (g) *Density* bonuses and other bonuses or allowances that *Local Agencies* may provide for affordable housing developed in accordance with the provisions of state and/or local law or regulation shall be included when calculating residential densities. The overall *Density* of a development project, including any bonuses or allowances, must comply with the allowable *Density* criteria of this *ALUCP*.
- (h) Exceptions to *Density* criteria:
- (1) The *Density* limits shall not prevent construction of a single-family home on a legal lot of record as of the effective date of this *ALUCP* provided that the home is not within *Compatibility Zone A* and the use is permitted by local land use regulations (see Policy 2.7.4 in Chapter 2).
 - (2) Accessory dwelling units, as defined by state law and local regulations, shall be excluded from *Density* calculations.
 - (3) One caretaker unit is allowed on a property where the principal use is nonresidential (e.g., a mini-storage facility).
 - (4) A family day care home serving 14 or fewer children may be established in any existing dwelling or in any new dwelling permitted by the policies of this *ALUCP*.⁴

⁴ *Health and Safety Code, Section 1596.78.*

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

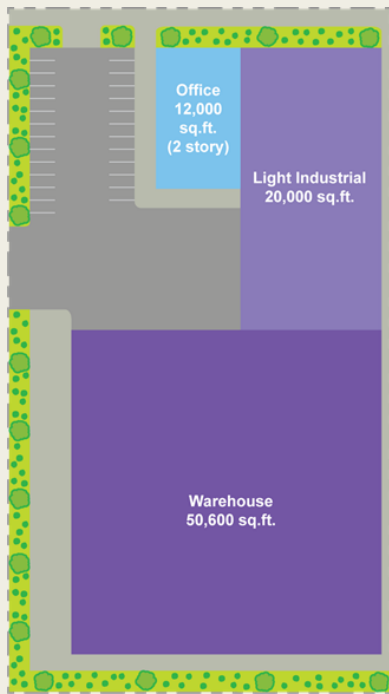
- (a) The usage *Intensity* (people per acre) limit indicated in the *Basic Compatibility Criteria* table for each *Compatibility Zone* is the fundamental criterion against which the safety compatibility of most nonresidential land uses shall be measured. Other criteria may be applicable to *Risk-Sensitive Land Uses* (see Policy 3.4.9).
- (b) The maximum allowable nonresidential *Intensity* within each *Compatibility Zone* shall be as indicated in:
 - (1) **Table AUB-4A**, *Basic Compatibility Criteria*, Auburn Municipal Airport (see Chapter 4);
 - (2) **Table BLU-5A**, *Basic Compatibility Criteria*, Blue Canyon Airport (see Chapter 5);
 - (3) **Table LIN-6A**, *Basic Compatibility Criteria*, Lincoln Regional Airport (see Chapter 6).
- (c) All nonresidential uses must comply with both the “sitewide average” and “single-acre” usage *Intensity* limits indicated for each *Compatibility Zone* in:
 - (1) The “sitewide average” *Intensity* equals the total number of people expected to be on the entire site divided by the site size in acres (i.e., the total acreage of the *Project* site) which may include multiple parcels (see Policy 3.4.3 for calculation methodology).
 - (2) The “single-acre” *Intensity* equals the number of people expected to occupy the most intensively used 1.0-acre area(s) of the site (see Policy 3.4.4 for calculation methodology).
- (d) Usage *Intensity* calculations shall include all people (e.g., employees, customers/visitors) who may be on the property at any single point in time, whether indoors or outdoors. The usage *Intensity* criteria of this *ALUCP* are based upon a normal busy-period occupancy, not on the highest attainable occupancy.⁵
- (e) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage *Intensity* criteria in the *Basic Compatibility Criteria* tables for each *Airport*.
- (f) For *Intensity* criteria pertaining to mixed-use projects having both residential and nonresidential components, see Policy 3.4.8.
- (g) No new structures intended to be regularly occupied are allowed in *Compatibility Zone A*.
- (h) The need to calculate the usage *Intensity* of a particular proposed *Project* for compliance with the *Intensity* criteria is to be governed by the following:
 - (1) Land use categories indicated as “Normally Compatible” for a particular *Compatibility Zone* are presumed to meet the *Intensity* criteria indicated for the *Compatibility Zone*. Calculation of the usage *Intensity* is not required unless the particular *Project* proposal represents an atypical example of the usage type.

⁵ This number will typically be lower than the absolute maximum number of occupants the facility can accommodate (such as would be used in determining compliance with building and fire codes).

- (2) Calculation of the usage *Intensity* must be done for all proposed *Projects* where the land use category for the particular *Compatibility Zone* is indicated as “Conditional” and the additional criteria column says “Ensure *Intensity* criteria met.”
 - (3) Land use categories indicated as “Conditional” for the particular *Compatibility Zone*, but the criteria are other than “Ensure *Intensity* criteria met,” calculation of the usage *Intensity* is not necessary for typical examples of the use. However, the proposed *Project* must comply with the other criteria listed for the applicable land use category.
- 3.4.3. *Methodology for Calculation of Sitenide Nonresidential Average Intensity*: Various methods are available by which usage *Intensities* may be calculated (additional guidance is found in Appendix D).
- (a) Calculation Using Floor Area Ratio.⁶ The floor area ratio methodology is intended as an aid in calculating the usage *Intensity* of nonresidential uses. The indicated floor area ratios do not take precedence over the requirement for all *Projects* to comply with the *Intensity* limit stated for the respective *Compatibility Zones*.
 - (1) Basis of floor area ratio criteria.
 - The maximum acceptable floor area ratio for most nonresidential land use categories is listed for *Compatibility Zones* where the acceptability of the use is “Conditional.”
 - The floor area ratio limit listed for each use category directly corresponds with the maximum acceptable usage *Intensity* for the zone and the indicated typical Occupancy Load Factor (floor area square footage per person) for the use during a typical busy period. The allowable floor area ratio in a particular *Compatibility Zone* thus varies from one land use category to another.
 - If a higher or lower Occupancy Load Factor can be documented for a particular *Project*, then the allowable floor area ratio would be correspondingly lower or higher.
 - (2) Application of FAR criteria:
 - For single-use *Projects* (e.g., industrial facility), a *Project* may be tested for compliance by directly comparing the proposed floor area ratio of the *Project* with the maximum floor area ratio limit indicated for the land use category and *Compatibility Zone*. If the proposed floor area ratio exceeds the floor area ratio limit, the *Project* shall be deemed incompatible unless modified to ensure compliance with the *Intensity* criteria.
 - For *Projects* involving multiple nonresidential land use categories (e.g., office and retail), the total floor area ratio of the building should first be calculated. If this number exceeds the allowable floor area ratio for any of the component uses, then each component use can be assigned a share of the overall *Project* site that differs from the component use’s share of the total *Project* floor area so that each component use will fall within its floor area ratio limit (see **Exhibit 1** for example).

⁶ Floor Area Ratio equals the total floor area of a project in square feet divided by the square footage of the site. For multi-floor buildings the square footage of all floors is counted.

Exhibit 1: Floor Area Ratio Calculation Example



In this example, compliance of a proposed warehouse facility with sitewide *Intensity* limits is calculated using the Floor Area Ratios listed for each component use in **Tables AUB-4A, BLU-5A, and LIN-6A, Compatibility Zone Criteria**. Compliance with single-acre *Intensity* limits will need to be calculated separately using the method noted in **Exhibit 2**.

This example is based on criteria and data in **Table AUB-4A**.

Compatibility Zone C1 Criteria

Intensity Limits

Max. Sitewide Average:	100 people per acre
Max. Single-Acre:	300 people per acre

Allowable Floor Area Ratios

Office:	0.49
Light Industrial, Low Intensity:	0.56
Warehouse:	1.61

Project Specific Data

Site Acreage:	3 acres (130,680 s.f.)
Total Bldg Footprint:	76,600 s.f.
Total Bldg Floor Area:	82,600 s.f.
Office:	12,000 s.f.
Light Industrial:	20,000 s.f.
Warehouse:	50,600 s.f.

Floor Area Ratio Calculation

$$\text{Total Bldg: } \frac{82,600 \text{ s.f.}}{130,680 \text{ s.f.}} = 0.63 \text{ FAR}$$

The above calculation assumes each use has a proportional share of the property size. However, 0.63 exceeds FAR Limit for Office and Light Industrial uses. Therefore, these uses' assumed share of the site must be adjusted to be within the FAR limit.

$$\text{Office: } \frac{12,000 \text{ s.f.}}{0.49 \text{ FAR limit}} = 24,490 \text{ s.f. of site}$$

$$\text{Lt-Indus.: } \frac{20,000 \text{ s.f.}}{0.56 \text{ FAR limit}} = 35,714 \text{ s.f. of site}$$

The remainder of the site can then be allocated to the Warehouse use and checked for compliance with the FAR limit.

Warehouse Site:	130,680 s.f.	(total site)
	- 24,490 s.f.	(Office share of site)
	- 35,714 s.f.	(Lt. Indus. share of site)
	= 70,476 s.f.	(remainder for Warehouse)

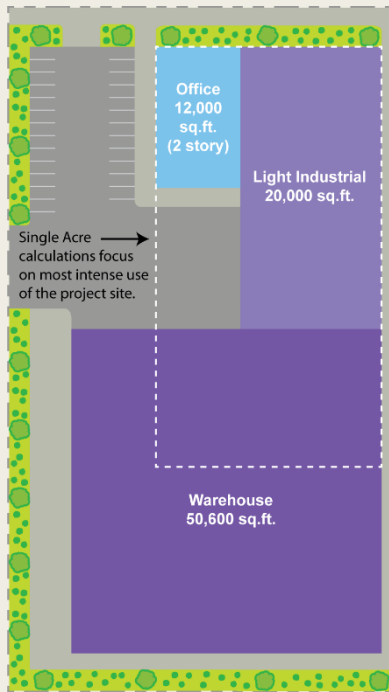
$$\text{Warehouse FAR: } \frac{50,600 \text{ s.f.}}{70,476 \text{ s.f.}} = 0.72$$

The resulting 0.74 FAR for the Warehouse's share of the site complies with the 1.61 FAR limit for this use. Therefore, all uses can meet the FAR limits for the respective use and the overall *Project* is consistent with ALUCP criteria.

- (3) Calculation Where Floor Area Ratio Is Not Indicated. Where occupancy load factors are not indicated or if the indicated Occupancy Load Factor is not applicable to a particular proposal or component thereof, then the number of occupants must be estimated in another manner (see Paragraphs (b) through (e)).
- Floor area ratios are not listed for uses that are “Incompatible” within a specific zone because these uses either are either typically incapable of meeting the usage *Intensity* limits or are incompatible for other reasons.
 - Floor area ratios are not shown for uses that are “Normally Compatible” within a particular zone as these uses are presumed to be capable of meeting the usage *Intensity* limits.
- (b) Calculation Using Fixed Seating: For uses having fixed seating for customers (for example, restaurants and theaters), occupancy shall equal the total number of seats plus the number of employees on site.
- (c) Calculation Using Vehicle Parking Requirements: For many commercial and industrial uses, the occupancy can be estimated by considering the number of parking spaces required by the *Local Agency* and multiplying by the average occupancy per vehicle. This method is not suitable for land uses where many users arrive on foot, or by bicycle, transit, or other means of transportation (see Appendix D.)
- (d) Calculation Using Occupancy Load Factors: For most other uses, the typical Occupancy Load Factor indicated for the use shall be applied.⁷ The Occupancy Load Factor is the assumed approximate number of square feet occupied by each person in that use. Dividing the square footage of the building or component use by the Occupancy Load Factor for that use yields the number of occupants (see **Exhibit 2** for example).
- (1) For *Projects* involving a mixture of uses in a building, the Occupancy Load Factor for each component use shall be applied to give the occupancy for that use, then the component occupancies are added to determine total occupancy.
 - (2) If the *Project* applicant can document a higher or lower Occupancy Load Factor for a particular use, then the *PCALUC* may use that number in lieu of the number in the *Basic Compatibility Criteria* table for each *Airport*. In considering any such exceptions, the *PCALUC* shall also take into account the potential for the use of a building to change over time (see Policy 3.4.5).
- (e) Calculation Using Building and Fire Codes: This method is essentially the same as the Occupancy Load Factor method in that the codes provide a square footage per person for various types of building uses. Building and Fire Codes, though, are based on a maximum, never to be exceeded, number of occupants rather than the average busy period that is the basis for airport land use compatibility planning (see Appendix D). As such, the total occupancy calculated using these codes must be reduced by a set factor—50 percent for most uses—to provide a number consistent with the indicated *Intensity* limit for each *Compatibility Zone*.

⁷ Occupancy Load Factors are based on information from various sources and are intended to represent busy-period usage for typical examples of the land use category. They can be used as a factor in determining the appropriate land use category for unlisted uses or atypical examples of a use.

Exhibit 2: Total Occupancy Calculation Example



In this example, both the sitewide and single-acre *Intensity* of a proposed warehouse facility are calculated using the common Occupancy Load Factors (number of square feet per person) information in **Tables AUB-4A, BLU-5A, and LIN-6A, Compatibility Zone Criteria** together with project specifications. The results are then compared with the maximum sitewide and single-acre *Intensity* limits in the respective table to determine consistency of the *Project* with the safety criteria.

This example is based on criteria and data in **Table AUB-4A.**

Compatibility Zone C1 Criteria

Intensity Limits

- Max. Sitewide Average: 100 people per acre
- Max. Single-Acre: 300 people per acre

Common Occupancy Load Factors

- Office: approx. 215 s.f. per person
- Lt. Industrial, Low Intensity: approx. 350 s.f. per person
- Warehouse: approx. 1,000 s.f. per person

Project Specific Data

- Site Acreage: 3 acres (130,680 s.f.)
- Total Bldg Footprint: 76,600 s.f.
- Total Bldg Floor Area: 82,600 s.f.
- Office: 12,000 s.f.
- Light Industrial: 20,000 s.f.
- Warehouse: 50,600 s.f.

Total Occupancy Calculation

Office:	$\frac{12,000 \text{ s.f.}}{215 \text{ s.f. per person}}$	= 56 people
Lt. Indus.:	$\frac{20,000 \text{ s.f.}}{350 \text{ s.f. per person}}$	= 57 people
Warehouse:	$\frac{50,600 \text{ s.f.}}{1,000 \text{ s.f. per person}}$	= 51 people
Total:		= 164 people

Intensity Results

Sitewide Average Intensity (average number of people per acre for the site)

$$\frac{\text{Total people}}{\text{Site Acreage}} = \frac{164 \text{ people}}{3 \text{ acres}} = 55 \text{ people per acre}$$

Single-Acre Intensity (the highest concentration of people anticipated to be in an area approx. 1.0 acre in size)

A 1-acre area encompasses all of the Office and Light Industrial uses plus 23% of the Warehouse

$$\frac{\text{Total people}}{\text{Single-Acre}} = \frac{56 + 57 + (0.23 \cdot 51) \text{ people}}{1 \text{ acre}} = 125 \text{ people in 1.0 acre area}$$

The results of the *Intensity* calculations indicate that the proposed development satisfies the sitewide and single-acre *Intensity* criteria.

- 3.4.4. *Methodology for Calculation of Single-Acre Intensity:* The single-acre *Intensity* of a proposed *Project* shall be calculated by determining the total number of people expected to be within any 1.0-acre portion of the site, typically the most intensively used building or part of a building. Calculation of the single-acre *Intensity* depends upon the building footprint and site sizes and the distribution of activities on the site.
- (a) For *Projects* with sites less than 1.0 acre, the single-acre *Intensity* equals the total number of people on the site divided by the site size in acres.
 - (b) For *Projects* with sites larger than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the *Project* includes substantial outdoor occupancy in which case such usage should be taken into account.
 - (c) For *Projects* having both site size and building footprint of more than 1.0 acre, the single-acre *Intensity* shall normally be calculated as the total number of building occupants divided by the building footprint in acres. This calculation assumes that the occupancy of the building is evenly distributed. However, if the occupancy of the building is concentrated in one area—the office area of a large warehouse, for example—then all occupants of that area shall be included in the single-acre calculation. See **Exhibit 2** for example.
 - (d) The 1.0-acre areas to be evaluated shall normally match the building footprints provided that the buildings are generally rectangular (reasonably close to square) and not elongated in shape and, for buildings larger than 1.0 acre, may represent a portion of the building.
 - (e) If a building has multiple floors, then the total number of occupants on all floors falling within the 1.0-acre footprint shall be counted.
- 3.4.5. *Long-Term Changes in Occupancy:* In evaluating compliance of a proposed nonresidential *Project* with the usage *Intensity* criteria in Policy 3.4.2(b), the *PCALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria. (Note that this provision applies only to new development and *Redevelopment—Projects* for which discretionary *Local Agency* action is required—not to tenant improvements or other changes to existing buildings for which local approval is ministerial.)
- 3.4.6. *Sites Split by Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria in the *Basic Compatibility Criteria* table for each *Airport*, a *Project* shall be evaluated as follows:
- (a) 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. See **Exhibit 3** for example.
 - (b) The criteria for the *Compatibility Zone* where the proposed building(s) or areas of outdoor congregation of people are located shall apply.

Exhibit 3: Split by Compatibility Zones

In this example, the restaurant and office uses are split between Compatibility Zones B2 and C1. When determining compliance with the Zone B2 *Intensity* limits, only the portions of the uses in Zone B2, together with the retail use that is fully in Zone B2 are considered and the site size is the 3.5 acres in Zone B2.

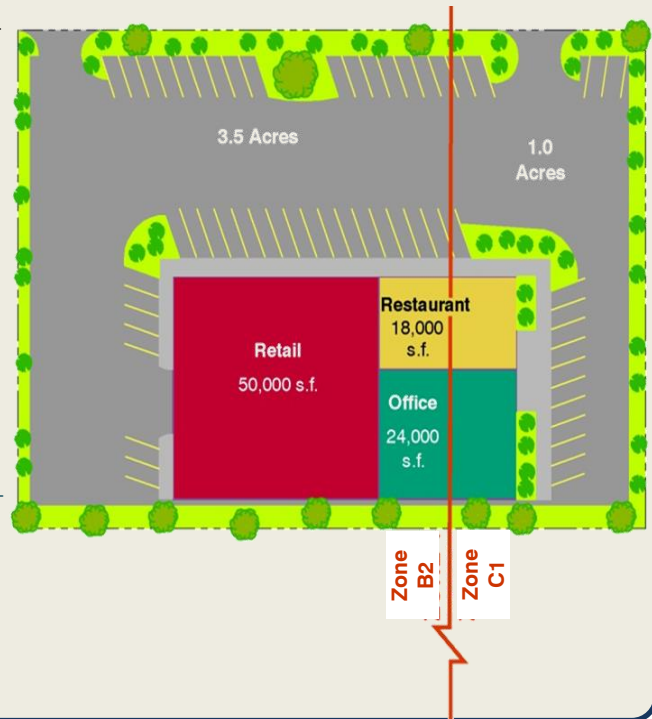
Compatibility Zone B2

Retail:	$\frac{50,000 \text{ s.f.}}{170 \text{ s.f. per person}}$	= 294 people
Restaurant:	$\frac{50\% \text{ of } 18,000 \text{ s.f.}}{60 \text{ s.f. per person}}$	= 150 people
Office:	$\frac{50\% \text{ of } 24,000 \text{ s.f.}}{215 \text{ s.f. per person}}$	= 56 people
Total Occupancy		= 500 people
Intensity:	$\frac{500 \text{ people}}{3.5 \text{ acres}}$	= 143 people/acre*

* Would exceed Zone B2 sitewide average limit of 70 people/acre

Compatibility Zone C1

A similar analysis is required for the uses in Zone C1.



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

- (a) This full or partial reallocation of *Density* or *Intensity* is permitted even if the resulting *Intensity* in the less restricted area would then exceed the sitewide average *Density* or *Intensity* limits that apply within that *Compatibility Zone* (see **Exhibit 4**). However, transferring of *Density* or *Intensity* to a zone in which the proposed use is listed as incompatible is not allowed.
- (b) The single-acre *Intensity* criterion for the zone to which the use is transferred must still be satisfied.

Exhibit 4: Transferring Usage Intensity

An example of transferring usage *Intensity* to the less restrictive compatibility zone is provided below. This example is based on criteria and data in **Table AUB-4A**.

Intensity Criteria

Max. Sitewide Average (Max. Single-Acre)

- Zone B1 = 40 people/acre (80 people/single acre)
- Zone B2 = 70 people/acre (210 people/single acre)

Project Site

Total Site Acreage: 3 acres

- Zone B1: 1.0 acre
- Zone B2: 2.0 acres

Allowable Intensity Based on Criteria

Zone B1: 40 people/acre x 1.0 acre = 40 people
 Zone B2: 70 people/acre x 2.0 acres = 140 people
Total Allowable Intensity on Site: 180 people

Transferring Intensity from Zone B1 to Zone B2

Zone B1: 0 people
 Zone B2: 180 people (includes 40 people from Zone B1)
 Although 180 people in 2.0 acres exceeds 140 people allowed under Zone B2 criteria (70 people/acre x 2.0 acres = 140 people), it is allowable under usage *Intensity* transfer policy as it does not exceed the single-acre *Intensity* limit of 210 people.

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

- (a) Where the residential and nonresidential uses are proposed to be situated on separate parts of the *Project* site, the *Project* shall be evaluated as separate developments. Each component of the *Project* must meet the criteria for the respective land use category in the *Basic Compatibility Criteria* table for each *Airport*. Specifically, the residential *Density* shall be calculated with respect to the area(s) to be devoted to residential development and the nonresidential *Intensity* calculated with respect to the area(s) proposed for nonresidential uses. This provision means that the residential *Density* cannot be averaged over the entire *Project* site when nonresidential uses will occupy some of the area. The same limitation applies in reverse—that is, the nonresidential *Intensity* cannot be averaged over an area that includes residential uses.
- (b) *Projects* in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential *Density* and nonresidential *Intensity* criteria. The number of dwelling units shall not exceed the *Density* limits indicated in the *Basic Compatibility Criteria* table for each *Airport*. Additionally, the normal occupancy of the residential component shall be added to that of the nonresidential portion and the total occupancy shall be evaluated with respect to the nonresidential usage *Intensity* criteria. The *PCALUC* may make exceptions to this provision if the residential and nonresidential components of the *Project* would clearly not be simultaneously occupied to their maximum intensities.
- (c) Mixed-use development shall not be allowed where the residential component would be situated in a *Compatibility Zone* where residential development is indicated as “Incompatible” in the *Basic Compatibility Criteria* table for each *Airport*.

3.4.9. *Risk-Sensitive Land Uses:* Certain types of land uses represent special safety concerns irrespective of the number of people associated with those uses. Land uses of particular concern and the nature of the concern are listed below along with the criteria applicable to these uses. These uses and criteria are also indicated in the *Basic Compatibility Criteria* table for each *Airport*. In some cases, these uses are not allowed in portions of an *Airport* environs regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function. When the use is allowed, special measures should be taken to minimize hazards to the facility and occupants if the facility were to be struck by an aircraft.

- (a) *Uses Having Vulnerable Occupants:* These uses are ones in which the majority of occupants are children, elderly, and/or disabled—people who have reduced effective mobility or may be unable to respond to emergency situations.
 - (1) The primary uses in this category include, but are not limited to the following:
 - Children’s schools (grades K–12).
 - Day care centers (facilities with more than 14 children⁸).
 - In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
 - Congregate care facilities including retirement homes, assisted living, intermediate care facilities, and adult daycare facilities.

⁸ As defined in *Health and Safety Code, Section 1596.78*.

- Penal institutions.
 - Emergency shelters.
- (2) Criteria for new or expanded facilities of these types are as follows:
- Uses having vulnerable occupants are incompatible within *Compatibility Zones A, B1, B2, C1* and *C2*. New sites or facilities or expansion of existing sites or facilities shall be prohibited.
 - All of the above uses shall be allowed within *Compatibility Zone D*.
- (b) Hazardous Materials Storage: Materials that are flammable, explosive, corrosive, or toxic constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity.
- (1) Facilities in this category include, but are not limited to the following:
- First Group Facilities: Facilities such as oil refineries and chemical plants that manufacture, process, and/or store bulk quantities of hazardous materials generally for shipment elsewhere.
 - Second Group Facilities: Facilities associated with otherwise compatible land uses where hazardous materials are stored in smaller quantities primarily for on-site use.
- (2) Criteria for new facilities in the first group are as follows:
- Facilities in the first group are incompatible in *Compatibility Zones A, B1, B2, C1, and C2*. New sites, new facilities, or expansion of existing sites or facilities shall be prohibited.
 - In *Compatibility Zone D*, facilities are allowed only if alternative sites outside *Zone D* would not serve the intended function.
- (3) Criteria for new facilities in the second group are as follows:
- Bulk storage of hazardous materials for on-site use shall be prohibited in *Compatibility Zones A, B1, and B2*.
 - In *Compatibility Zones B1* and *B2*, only the following is allowed: 1) *On-Airport* storage of aviation fuel and other aviation-related flammable materials; 2) storage of nonaviation fuel or other flammable materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation flammable materials in aboveground tanks.
 - In *Compatibility Zones C1* and *C2*, bulk storage of hazardous materials should be avoided, but storage of smaller amounts for near-term on-site use is acceptable. Permitting agencies should evaluate the need for special measures to minimize hazards if the facility should be struck by an aircraft.
 - All facilities must comply with the *Intensity* limits set forth in Policy 3.4.2(b) and other criteria noted in the *Basic Compatibility Criteria Table* for each airport.
 - All of the above uses shall be allowed within *Compatibility Zone D*.
- (c) Critical Community Infrastructure: This category pertains to facilities the damage or destruction of which would cause significant adverse effects to public health and welfare well beyond the immediate vicinity of the facility.
- (1) These facilities include, but are not limited to the following:

- Public safety facilities such as police and fire stations.
- Communications facilities including emergency communications, broadcast, and cell phone towers.
- Primary, peaker, and renewable energy power plants, electrical substations, and other utilities.

(2) Criteria for new or expanded facilities of these types are as follows:

- Public safety facilities are incompatible in *Compatibility Zones A* and *B1*. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In *Compatibility Zone B2*, public safety facilities shall be allowed only if the facility serves or has an airport-related function. In *Compatibility Zones C1* and *C2*, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of these zones would not serve the intended function of the facility. Public safety facilities shall be allowed within *Compatibility Zone D*.
- Communications facilities are incompatible in *Compatibility Zones A, B1, and B2*. No new sites or facilities or expansion of existing sites or facilities shall be allowed. In *Compatibility Zones C1* and *C2*, creation or expansion of these types of facilities shall be allowed only if an alternative site outside of these zones would not serve the intended function of the facility. Structures shall be located a maximum distance from the extended runway centerline and comply with airspace protection criteria (e.g., height, thermal plumes) set forth in Section **Error! Reference source not found.** of this *ALUCP*. Communication facilities shall be allowed within *Compatibility Zone D*.
- Primary power plants are incompatible in the entire *Airport Influence Area* except that they may be allowed in *Compatibility Zone D* if an alternative site outside of these zones would not serve the intended function of the facility. Peaker plants, renewable energy power plants, electrical substations and other utilities are incompatible in *Compatibility Zones A, B1 and B2*. No new sites or facilities or expansion of existing sites or facilities shall be allowed in *Compatibility Zones C1* and *C2* provided that the structures are located a maximum distance from the extended runway centerline and comply with the height limit, electrical interference, glare, visible and thermal plume, and other criteria contained in the airspace protection section, Section **Error! Reference source not found.** of this *ALUCP*.

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

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

- (1) Free of most structures and other major obstacles such as walls, large trees, or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires.
- (2) Have minimum dimensions of approximately 75 feet by 300 feet.

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

- (c) Open land requirements for each *Compatibility Zone* are to be applied with respect to the entire zone. Individual parcels may be too small to accommodate the minimum-size open area requirement. Consequently, the identification of open land areas must initially be accomplished at the general plan or specific plan level or as part of large (10 acres or more) development *Projects*.
- (d) Clustering of development and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of open land areas provided that the clustering does not exceed single-acre limits as indicated in Policy 3.4.1(d) for residential development and Policy 3.4.2(b) for nonresidential development. Clustering of development should be located a maximum distance from the extended runway centerline.
- (e) Building envelopes and the *Airport Compatibility Zones* should be indicated on all development plans and tentative maps for *Projects* located within an *Airport Influence Area*. Portraying this information is intended to assure that individual development *Projects* provide the open land areas identified in the applicable general plan, specific plan, or other large-scale plan.

3.5. AIRSPACE PROTECTION COMPATIBILITY POLICIES

AIRSPACE PROTECTION COMPATIBILITY POLICIES BACKGROUND INFORMATION

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

Policy Objective

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

Measures of Hazards to Airspace

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

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

Factors Considered in Setting Airspace Protection / Object Height Compatibility Policies

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

- Code of Federal Regulations (CFR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace* (provides standards regarding FAA notification of proposed objects and height limits of objects near airports).

- FAA Advisory Circular 150/5300-13, *Airport Design* (provides standards regarding safety-related areas in the immediate vicinity of runways).
- Advisory Circular 70/7460-1K, *Obstruction Marking and Lighting* (sets standards for how essential marking and lighting should be designed).

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

Factors Considered in Setting Airspace Protection / Wildlife Hazard Compatibility Policies

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

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

- 3.5.1. *Evaluating Airspace Protection / Object Height Compatibility for New Development:* The object height compatibility of proposed land uses within the *Airport Influence Area* shall be evaluated in accordance with the policies in this section, including the *Airspace Protection Surfaces Map* provided in Chapters 4 through 6 for Auburn Municipal Airport, Blue Canyon Airport, and Lincoln Regional Airport, respectively.
- (a) The airspace protection / height limit surfaces depicted in each *Airspace Protection Surfaces Map* are drawn in accordance with *CFR Part 77*, Subpart C, and reflect the runway length, runway end locations, and approach type for each end of the runway.
 - (b) The *Airspace Critical Protection Zone* consists of the *CFR Part 77* primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface together with the *Height Review Overlay Zone*.
 - (c) The *Airspace Height Review Overlay Zone* encompasses locations where the ground elevation exceeds or is within 35 feet beneath an *Airspace Protection Surface* as defined by *CFR Part 77* for the *Airport*. This zone applies only to the Auburn Municipal Airport, as the terrain around Blue Canyon and Lincoln Regional Airports does not meet these qualifications.
- 3.5.2. *Object Height Criteria:* The criteria for determining the acceptability of a *Project* with respect to height shall be based upon the standards set forth in *CFR Part 77*, Subpart C, *Safe, Efficient Use and Preservation of the 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 3.5.5, the results of that study shall be taken into account by the *PCALUC*.

- (a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as construction crane, shall have a height that would result in penetration of an *Airspace Protection Surface*. Any object that penetrates one of these surfaces is, by FAA definition, deemed an obstruction.⁹
- (b) Objects not situated within an *Airspace Critical Protection Zone* (see Policy 3.5.1(b)) may be allowed to have heights that penetrate the *Airspace Protection Surfaces* defined by *CFR Part 77* criteria under the following conditions:
- (1) The maximum allowable height for these objects is 35 feet above ground level.
 - (2) The height of all objects is subject to *Local Agency* zoning limits.
- (c) Unless located in an *Airspace Critical Protection Zone*, a proposed object having a height that exceeds any of the *Airport's Airspace Protection Surfaces* shall be allowed only if *all* of the following apply:
- (1) As the result of an aeronautical study, the FAA determines that the object would not be a hazard to air navigation.
 - (2) FAA or other expert analysis conducted under the auspices of the *PCALUC* or the *Airport* operator concludes that, despite being an airspace obstruction (not necessarily a hazard), the object would not cause any of the following:
 - An increase in the ceiling or visibility minimums of the *Airport* for an existing or planned instrument procedure (a planned procedure is one that is formally on file with the FAA);
 - A reduction of the established operational efficiency and capacity of the *Airport*, such as by causing the usable length of the runway to be reduced; or
 - Conflict with the visual flight rules (VFR), airspace used for the airport traffic pattern or en route navigation to and from the *Airport*.
 - (3) Marking and lighting of the object will be installed as directed by the FAA aeronautical study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed.¹⁰
 - (4) An *Avigation Easement* is dedicated to the jurisdiction owning the *Airport* in accordance with Policy 3.7.1.
 - (5) The proposed project/plan complies with all other policies of this *ALUCP*.

3.5.3. *Criteria Addressing Wildlife Hazards*: Proposed land uses or land use features that could attract potentially hazardous wildlife to the airport vicinity or could interfere with aircraft during takeoff, in flight, or landing at the Auburn Municipal and Lincoln Regional airports shall be restricted as indicated in this policy (this policy does not apply to Blue Canyon Airport). Any proposed land use that could attract wildlife to an *Airport Influence Area* is a potential concern. Federal regulations and guidance identify specific land uses that the Federal Aviation Administration deems incompatible near airports.¹¹

⁹ An obstruction may or may not be a hazard. The purpose of FAA aeronautical studies is to determine whether an obstruction is a hazard and, if so, what remedy is recommended. The FAA's remedies are limited to making changes to the airspace and an airport's approach procedures, but it also can indicate an objection to proposed structures that it deems to be a hazard.

¹⁰ Advisory Circular 70/7460-1J, *Obstruction Marking and Lighting*, or any later FAA guidance.

¹¹ The FAA rules and regulations include, but are not limited to: Public Law 106-181 (Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, known as AIR 21), Section 503; 40 CFR 258, *Criteria for Municipal Solid Waste Landfills*, Section 258.10, Airport Safety; Advisory Circular 150/5200-33C, *Hazardous Wildlife Attractants On or Near Airports*; Advisory

- (a) The *PCALUC*'s role and policy with regard to regulating wildlife hazards in areas around the above Airports is limited to new development as well as general plans, specific plans, master plans, and zoning ordinances that set standards for new development. As stated in Policy 2.7.3, the *PCALUC* has no authority to regulate existing land uses. This includes land uses such as agriculture that can have characteristics attractive to hazardous wildlife. Crop selection and other routine agricultural activities that do not involve construction or otherwise constitute a land use *Project* and do not need *Local Agency* approval are not subject to *PCALUC* authority and the policies of this *ALUCP*.
- (b) Proposed land uses or site features, as listed in Paragraph (d) of this policy, that have the potential to attract potentially hazardous wildlife shall be prohibited within *Compatibility Zone A* and shall be avoided within the remainder of the *Wildlife Hazard Critical Zone* shown on the Airspace Protection Maps for Auburn Municipal Airport (**Map AUB-4B**) and Lincoln Regional Airport (**Map LIN-6B**).
- (c) For the purposes of this policy, "avoid" means that the use or feature is acceptable only if an alternative site with similar characteristics located outside the *Wildlife Hazard Critical Zone* is not feasible and appropriate measures can be provided to minimize an increase in the attraction of hazardous wildlife above what exists in the absence of the *Project*.
- (d) The land uses and site features subject to this policy include, but are not limited to:
 - (1) New or expanded waste disposal facilities, such as new landfills, landfill expansions, and waste transfer stations.
 - (2) New or expanded water management facilities having the potential to hold exposed surface water for more than 48 hours following the design storm. Such facilities include stormwater management/water quality treatment ponds, settling ponds, artificial marshes, ornamental ponds, fountains, etc. In the event that detention exceeds 48 hours, measures should be incorporated to minimize the facility's attractiveness to potentially hazardous wildlife.
 - (3) New or expanded wetland including mitigation sites.
 - (4) New or expanded open areas designed specifically to attract wildlife or create habitat. Such uses include conservation areas, wildlife preserves, and mitigation areas, as well as uses designed primarily for other purposes; for example, golf courses.
 - (5) New, expanded, or enhanced structures or architectural features that could provide nesting, shelter, or perching opportunities for raptors and large birds unless the attractiveness of these features is reduced through the application of nets, bird spikes, or other deterrents. Communication towers, signs, light standards are examples of structures of this type.
 - (6) Landscaping plans associated with new *Projects* or land uses that provide for planting of new trees to create dense and contiguous canopy or plant materials that provide food sources, such as fruit, nuts, or berries.

Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports*; and any subsequent applicable FAA guidance.

- (e) Proposed master site plans, landscaping plans, conservation plans, and other planning or legal documents associated with the *Major Land Use Actions* listed in Policy 2.5.2 shall indicate that the uses and features listed in Paragraph (d) of this policy are to be prohibited within Compatibility Zone A and avoided within the remainder of the *Wildlife Hazard Critical Zone*.
- (f) Certain natural features that occur within the *Wildlife Hazard Critical Zone* are the focus of habitat conservation and restoration efforts identified by the Placer County Conservation Plan. These include segments of Auburn Ravine, Raccoon Creek, Doty Ravine, etc. Plans to restore portions of these natural features may include areas within the *Wildlife Hazard Critical Zone*, and, as such, should consider measures to minimize their attractiveness to potentially hazardous wildlife through such items as plant materials, open water areas, etc.
- (g) The *PCALUC Executive Director* and *Local Agencies* should consult airport management, an FAA-qualified Airport Wildlife Biologist, FAA Wildlife Hazard Management regulations and guidance, and the USDA Wildlife Hazards Program for guidance regarding implementation of this policy.¹² Resources are provided in Appendix E of this *ALUCP*.

3.5.4. *Criteria Addressing Other Flight Hazards:* Land uses that may cause visual or electronic 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.
- (b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, *Local Agencies* should consult with FAA officials, the California Division of Aeronautics, and Airport management.

3.5.5. *Requirements for FAA Notification of Proposed Construction:* Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.¹³ The following is *ALUCP* policy on this topic.

¹² FAA and the Caltrans Division of Aeronautics recommend that airport operators, local planners, and developers work together to take into account whether the proposed land uses will increase wildlife hazards in the airport vicinity, and the agencies recommend the establishment of a wildlife hazard working group to facilitate communication, cooperation and coordination between the airport and surrounding communities and to encourage landowners and lease-holders to control wildlife hazards. Such a group could assist the ALUC in evaluating the potential of a proposed project to increase risk to aircraft operations.

¹³ *CFR Part 77* requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of *CFR Part 77*, Subpart B. *Public Utilities Code Sections 21658 and 21659* likewise include this requirement. FAA notification requirements apply to all objects including structures, antennas, trees, mobile objects, and temporary objects such as construction cranes. The FAA will conduct an "aeronautical study" of the object(s) and determine whether the object(s) would be of a height that would constitute a hazard to air navigation. (See Appendix B of this *Compatibility Plan* for a copy of *CFR Part 77*

- (a) The *Local Agency* having jurisdiction over the *Project* site should inform the *Project* proponent of the requirements for notification to the FAA. Reference to FAA notification requirements is included in this policy for informational purposes only, not as an *ALUCP* policy.
- (b) FAA review is required for any proposed structure more than 200 feet above the surface level of its site. All such proposals also shall be submitted to the *PCALUC* for review regardless of where within the jurisdiction of the *PCALUC* they would be located.¹⁴
- (c) Any proposed development *Project* that includes construction of a structure or other object and that is required to be submitted to the *PCALUC* for a consistency review in accordance with Policies 2.5.1 or 2.5.2 shall include a copy of the completed *CFR Part 77* notification form (Form 7460-1) submitted to the FAA, if applicable, and of the resulting FAA findings from its aeronautical study (i.e., notice of determination letter). A proposed *Project* may be referred to the *PCALUC* in advance of the completion of the FAA aeronautical study. However, the completed aeronautical study must be forwarded to the *PCALUC* when available but before issuance of a construction permit and the *PCALUC* may reconsider its previous consistency determination if the FAA study provides new information and airspace protection was a factor in the *PCALUC*'s determination.

3.5.6. *PCALUC Review*: The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *PCALUC*. If the general plan of the *Local Agency* in which the *Project* is to be located has been determined by the *PCALUC* to be consistent with this *ALUCP*, then no *PCALUC* review is required. If the general plan has not been made consistent, then the proposed *Project* must be referred to the *PCALUC* for review if it qualifies as a *Major Land Use Action* (see Policy 2.5.2).

and online procedures for filing Form 7460-1.) FAA notification is required at least 45 days before the start date of the proposed construction or the date an application for a construction permit is filed, whichever is earliest. FAA notification is required under the following circumstances:

- (a) The project contains proposed structures or other objects that exceed the height standards defined in *CFR Part 77*, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with *CFR Part 77*, Paragraph 77.15. Note that notification to the FAA under *CFR Part 77*, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. As presented in Chapters 5 through 7, the FAA notification area extends beyond the *Airport Influence Area*. The Subpart B notification airspace surface extends outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 or 100 to 1 for a horizontal distance of 20,000 feet from the nearest point on any runway.
- (b) Any proposal for construction or alteration of a structure, including antennas, taller than 200 feet above the ground level at the site regardless of proximity to any airport.

¹⁴ Also, in accordance with *CFR Part 77*, Paragraph 77.9(a), notification to the FAA is required for “Any construction or alteration that is more than 200 ft. AGL at its site.”

3.6. OVERFLIGHT COMPATIBILITY POLICIES

OVERFLIGHT COMPATIBILITY POLICIES BACKGROUND INFORMATION

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

Policy Objective

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

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

Measures of Overflight Exposure

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

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

Factors Considered in Setting Overflight Compatibility Policies

Factors considered in establishing overflight compatibility policies include the following:

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

3.6.1. *Recorded Overflight Notification*: As a condition for PCALUC approval of a residential land use Project within Compatibility Zones C1 or C2, an *Overflight Notification* shall be recorded in the chain of title of the property.

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

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

- (b) The notification shall be evident to prospective purchasers of the property and shall appear on the property deed.
- (c) A *Recorded Overflight Notification* is not required where an *Avigation Easement* dedication is required as the *Avigation Easement* accomplishes the notification function (see Policy 3.7.1).
- (d) Recording of an overflight notification is not required for nonresidential development.

3.6.2. *Airport Proximity Disclosure*: State law requires that notice disclosing information about the presence of a nearby airport be given to prospective buyers of certain residential real estate within an *Airport Influence Area*. The statutes define an *Airport Influence Area* as “the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.”¹⁵ *ALUCP* criteria with regard to *Airport Proximity Disclosure* are as follows:

- (a) For existing residences:
 - (1) *Airport Proximity Disclosure* as part of real estate transactions involving existing residences is a matter between private parties. Neither this *ALUCP* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither the *ALUCP* nor *Local Agencies* have enforcement responsibilities with regard to this disclosure.
 - (2) The sole responsibility of *Local Agencies* with regard to *Airport Proximity Disclosure* for existing residences is to recommend the boundary of the area within which the disclosure is deemed appropriate and to provide this information to local title companies and real estate agents. The *Airport Influence Area* defined herein for each of the three *Airports* covered by this *ALUCP* establishes the area in which *Airport Proximity Disclosure* is recommended.

¹⁵ See *California Business and Professions Code Section 11010(b)* and *Civil Code Section 1353(a)*.

- (3) *Airport Proximity Disclosure* should be provided as part of *all* real estate transactions (sale, lease, or rental) involving residential property anywhere within the *Airport Influence Area*.
- (b) For proposed residential *Projects*:
 - (1) The disclosure provisions of state law are deemed mandatory for new residential *Projects* anywhere within the *Airport Influence Area* and shall continue in effect as *ALUCP* criteria even if the state law is made less stringent or rescinded. The disclosure shall be of a format similar to that indicated in Appendix H and shall contain the language dictated by state law (see Policy 3.6.1(a)).
 - (2) Signs providing the notice included in Policy 3.6.1(a) and a map of the *Airport Influence Area* shall be prominently posted in the real estate sales office and/or other key locations at any new residential *Project* within the *Airport Influence Area*.

3.7. CRITERIA FOR SPECIAL CIRCUMSTANCES

3.7.1. *Avigation Easement Dedication*: As a condition for approval of *Projects* that are subject to the review provisions of this *ALUCP* and that meet the conditions in Paragraphs (a) and (b) of this policy, the property owner shall be required to dedicate an *Avigation Easement* to the *Local Agency* owning the *Airport*.

- (a) *Avigation Easement* dedication is required for all off-airport *Projects* situated on a site that lies completely or partially within any of the following portions of an *Airport Influence Area*:
 - (1) Within *Compatibility Zones A, B1, or B2*.
 - (2) Within the *Airspace Critical Protection Zone* as defined in Policy 3.5.1(b).
 - (3) Within the *Airspace Height Review Overlay Zone* as defined by Policy 3.5.1(c).
- (b) *Avigation Easement* dedication shall be required for any proposed *Project*, including an *Infill Project*, for which discretionary *Local Agency* approval is required. *Avigation Easement* dedication is not required for ministerial approvals such as building permits or *Actions* associated with modification of existing single-family residences.
- (c) The *Avigation Easement* shall:
 - (1) Provide the right of flight in the airspace above the property;
 - (2) Allow the generation of noise and other impacts associated with aircraft overflight;
 - (3) Restrict the height of structures, trees and other objects in accordance with the policies in Section **Error! Reference source not found.** and the *Airspace Protection Surfaces Map* provided in Chapters 4 through 6 for Auburn Municipal Airport, Blue Canyon Airport, and Lincoln Regional Airport, respectively;
 - (4) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and
 - (5) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (d) An example of an *Avigation Easement* is provided in Appendix H. The *PCALUC* recognizes that the language included in this example may require modification to address site-specific conditions.

3.7.2. *Infill*: Where land uses not in conformance with the criteria set forth in this *ALUCP* exist at the time of the plan’s effective date, an *Infill Project* (see Policy 2.1.22) of similar land uses may be allowed to occur in that area even if the proposed land use is otherwise incompatible with respect to the compatibility criteria for that location.

(a) *Infill Projects* are only permitted in *Compatibility Zones C1, C2 and D*.

(b) To qualify as *Infill* development, a *Project* site must either:

(1) Be part of a cohesive area, defined by the *Local Agency* and approved by the *PCALUC*, within which at least 65% of the uses were developed prior to the *ALUCP*'s effective date with uses not in conformance with the plan; or

(2) Meet *all* of the following conditions:

- Already be served with streets, water, sewer, and other infrastructure;
- Have at least 65% of the site’s perimeter bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed;
- Be no larger than 20 acres;
- Not extend the perimeter of the *Infill* area defined by the surrounding, already developed, incompatible uses;
- Cannot previously have been set aside as open land in accordance with Policy 3.4.10 unless replacement open land is provided within the same *Compatibility Zone*; and
- Must be consistent with the *Local Agency*'s zoning regulations governing the existing, already developed, surrounding area.

(c) In locations that qualify as *Infill* under Paragraph (b) above:

(1) For *Infill* residential *Projects* in *Compatibility Zone C1*, the average development *Density* (dwelling units per acre) of the site shall not exceed the median *Density* represented by all existing residential lots that lie fully or partially within a distance of 300 feet from the boundary of the defined *Infill* area or site.

(2) For *Infill* nonresidential *Projects*, the average usage *Intensity* (the number of people per acre) of the site’s proposed use shall not exceed the lesser of:

- The median *Intensity* of all existing nonresidential uses that lie fully or partially within a distance of 300 feet from the boundary of the defined *Infill* area; or
- Double the average sitewide *Intensity* permitted in accordance with the criteria for that location as indicated in **Tables AUB-4A, BLU-5A, and LIN-6A**.

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

(d) The single-acre *Intensity* limits for nonresidential *Projects* described listed in **Tables AUB-4A, BLU-5A, and LIN-6A** are applicable to *Infill Projects*. Also, the sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply to *Infill Projects*.

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

- (1) The *Local Agency* is responsible for identifying, in its general plan or other adopted planning document approved by the *PCALUC*, the qualifying locations that lie within that *Agency's* boundaries. This action may take place in conjunction with the process of amending a general plan for consistency with the *ALUCP* or may be submitted by the *Local Agency* for consideration by the *PCALUC* at the time of initial adoption of this *ALUCP*.
- (2) If a map identifying locations suitable for *Infill* has not been submitted by the *Local Agency* and approved by the *PCALUC* or the site of an individual *Project* proposal does not fall within the identified *Infill* area, the *PCALUC* may evaluate the *Project* when referred for review under Policy 2.5.1 to determine whether it would meet the qualifying conditions listed in Paragraph (b) plus the applicable provisions in Paragraphs (c) and (d) of this policy.
- (3) In either case, the burden for demonstrating that an area or an individual site qualifies as *Infill* rests with the affected *Local Agency* and/or *Project* proponent and is not the responsibility of the *PCALUC*.

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

(a) Residential uses.

- (1) A *Nonconforming* residential land use may be continued, sold, leased, or rented without restriction and is not subject to this *ALUCP* or *PCALUC* review.
- (2) A *Nonconforming* single-family dwelling may be maintained, remodeled, reconstructed (see Policy 3.7.4), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 2.7.4 (Development by Right). 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 an accessory dwelling unit as defined by state and local laws.
 - Any increase in height must comply with the policies in Section **Error! Reference source not found.** (Airspace Protection Compatibility Policies).
 - A single-family residential parcel may not be divided for the purpose of allowing additional dwellings to be constructed.
- (3) *Nonconforming* multi-family residential dwellings may be maintained, remodeled, or reconstructed (see Policy 3.7.4(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 3.3.2 and 3.7.1 shall apply.

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

- (1) A *Nonconforming* nonresidential use may be continued, sold, leased, or rented without restriction or *PCALUC* review provided that no discretionary *Local Agency* approval (such as a conditional use permit) is required.
- (2) *Nonconforming* nonresidential facilities may be maintained, altered, or, if required by state law, reconstructed (see Policy 3.7.4). However, any such work:

- Must not result in expansion of either the portion of the site devoted to the *Nonconforming Use* or the floor area of the buildings; and
 - Must not result in an increase in the usage *Intensity* (people per acre) above the levels existing at the time of adoption of this *ALUCP*.
 - Must not increase the storage or use of hazardous materials.
- (3) The sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply.
- (c) Children’s schools (including grades K-12, day care centers with more than 14 children, and school libraries):
- (1) Land acquisition for new schools or expansion of existing school sites is not permitted in *Compatibility Zones A, B1, B2, C1, or C2*.
 - (2) Replacement or expansion of buildings at existing schools is not allowed in *Compatibility Zones A, B1, B2, C1, or C2*, except that one-time expansion accommodating no more than 50 students is permitted in *Compatibility Zones C1 and C2*. This limitation does not preclude work required for normal maintenance or repair.
 - (3) The sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply.
- 3.7.4. *Reconstruction*: An *Existing Nonconforming* development that has been fully or partially destroyed as the result of a calamity or natural catastrophe, and would not otherwise be reconstructed but for such event, may be rebuilt only under the following conditions:¹⁶
- (a) Single-family or multi-family residential *Nonconforming Uses* may be rebuilt provided that the *Reconstruction* does not result in more dwelling units than existed on the parcel at the time of the damage. Addition of an accessory dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.
 - (b) A nonresidential *Nonconforming Use* 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 the time frame established by that *Agency*.
 - (2) Shall incorporate sound attenuation features to the extent required by Policy 3.3.2.
 - (3) Shall require dedication of an *Avigation Easement* to the *Local Agency* owning the *Airport* if required under Policy 3.7.1.
 - (4) Shall record an *Overflight Notification* in the chain of title of the property if required by Policy 3.6.1.
 - (5) Shall comply with *CFR Part 77* requirements (see Section **Error! Reference source not found.**).
 - (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*.

¹⁶ *Reconstruction* differs from *Redevelopment* (see Policy 2.1.35 for definition) that is subject to the provisions of this *ALUCP*.

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

3.8. REVIEW CRITERIA FOR AIRPORT PLANS OF EXISTING AIRPORTS

3.8.1. *Substance of Review:* In accordance with state law, any new or amended airport master plan or expansion *Project* for the *Airports* addressed in this *ALUCP* is subject to *PCALUC* review for consistency with the *ALUCP* (see Policy 2.4.1(b)). In conducting any such review, the *PCALUC* shall evaluate whether the *Airport* plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *ALUCP*. 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) Proposed changes in the role or character of use of the *Airport*.
- (c) New activity forecasts that are: (1) significantly higher than those used in developing the respective *Airport* noise contours presented in Chapters 7 through 9; or (2) assume a higher proportion of larger or noisier aircraft.

3.8.2. *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 *ALUCP*, a noise increase shall be considered significant by the *PCALUC* if:

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

3.8.3. *Consistency Determination:* The *PCALUC* shall determine whether the proposed *Airport* plan or expansion *Project* is consistent with this *ALUCP*. The *PCALUC* shall base its determination of consistency on:

- (a) Findings that the proposed development and forecasts identified in the *Airport* plan or *Project* would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *ALUCP*.
- (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 the California Environmental Quality Act (CEQA); or

- (2) In instances where the impacts cannot be reduced to a less-than-significant level, a statement of overriding considerations approved by the *Airport* owner in accordance with provisions of CEQA.
- (c) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal, tribal or state-owned property) will be consistent with the compatibility criteria and policies indicated in this *ALUCP* with respect to that *Airport* (see Policy 2.1.12 for definition of aviation-related use).

3.9. REVIEW CRITERIA FOR PROPOSED NEW AIRPORTS AND HELIPORTS

- 3.9.1. *Substance of Review*: In reviewing proposals for new airports and heliports, the *PCALUC* shall focus on the noise, safety, airspace protection, and overflight impacts upon surrounding land uses.
 - (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of *PCALUC* review.
 - (b) The *PCALUC* shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
 - (c) The *PCALUC* must base its review on the proposed airfield design. The *PCALUC* does not have the authority to require alterations to the airfield design.
- 3.9.2. *Airport/Land Use Relationship*: The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:
 - (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the later were already in existence?
 - (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2) other operational procedures to minimize impacts; (3) installation of noise barriers or structural noise insulation; (4) acquisition of property interests (fee title or easements) on the impacted land.