

Solano County Airport Land Use Compatibility Review Procedures

Solano County, California

Adopted
by
Solano County
Airport Land Use Commission
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Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

Function and Applicability of the Plan

The basic function of airport land use compatibility plans is to promote compatibility between the airports and the land uses which surround them. Compatibility plans serve as a tool for use by airport land use commissions in fulfilling their state-mandated duty to review airport and adjacent land use development proposals. Additionally, compatibility plans set compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development near airports.

As adopted by the Solano County Airport Land Use Commission (ALUC), the compatibility plan for each of the airports in Solano County consists of two documents. This *Solano County Airport Land Use Compatibility Review Procedures* volume establishes general policies which apply to all of the existing airports in the county as well as to any new airport or heliport (except private-use facilities) which may be proposed in the future.

The policies set forth in Chapter 2 herein supersede the procedural policies listed in the individual compatibility plans previously adopted by the ALUC. Specifically, the earlier plans are revised as follows:

Airport	Land Use Compatibility Plan Adoption/ Amendment Date	Revisions
<i>Nut Tree Airport</i>	May 1998	"Project Review Requirements" section (beginning on page 9) is revoked
<i>Rio Vista Municipal Airport</i>	May 1998	"Project Review Requirements" section (beginning on page 9) is revoked

Airport	Land Use Compatibility Plan Adoption/ Amendment Date	Revisions
<i>Travis Air Force Base</i>	January 1994	Entire plan replaced by new plan adopted June 13, 2002
<i>Travis Aero Club</i>	February 1998	“Types of Project to be Reviewed” section (beginning on page 9) is revoked

The compatibility criteria and maps applicable to review of proposed land use development in the vicinity of each of the above airports are as indicated in each airport’s current compatibility plan.

Taken in combination, the areas of influence for these four airports cover the majority of the land in Solano County. Portions of the following land use jurisdictions lie within one or more of the airport influence areas:

- County of Solano;
- City of Dixon;
- City of Fairfield;
- City of Rio Vista;
- City of Suisun City; and
- City of Vacaville.

The two remaining cities in the county — Benicia and Vallejo — have planning area boundaries which extend into or very near the Travis AFB area of influence and thus may also be affected by compatibility planning requirements.

In addition to the land use policies applicable within the airport influence areas, certain elements of the plan apply countywide to development actions which may have aviation-related compatibility implications.

Details regarding the purpose, scope, and applicability of this *Review Procedures* document are set forth in the following chapter and in the respective compatibility plans for each airport.

Statutory Requirements

Powers and Duties

Requirements for creation of airport land use commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code, Section 21670 et seq.) in 1967. (See Appendix A of this volume for a copy of the statutes.) Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

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

The statutes give ALUCs two principal powers by which to accomplish this objective. First, ALUCs must prepare and adopt an airport land use plan. Secondly, they must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Limitations

Also explicit in the statutes are two limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses (Section 21674(a)) or over the operation of airports (Section 21674(e)). Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

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

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once certain local government commitments to the proposal have been obtained. See Chapter 2 for the full definition of “existing land use” as applied for the purposes of airport land use compatibility planning in Solano County.

- ◆ **Operation of Airports** — Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs, however, does not mean that they have no authority with respect to new development on airport property. The law specifically requires ALUCs to review proposed master plan modifications and certain construction plans of public-use airports for consistency with the commission’s plans. ALUCs also have authority to review proposals for nonaviation development on the property of these airports.

A third, less absolute, limitation concerns the types of land use actions which are subject to ALUC review. The law emphasizes local general plans as the primary mechanism for implementing the compatibility policies set forth in an ALUC’s plan. Thus, the county and each affected city is required to make its general plan consistent with the ALUC plans (or to overrule the commission). Once a local agency has taken this action to the satisfaction of the ALUC, the ALUC’s authority to

review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an airport area of influence. For an ALUC to review individual projects, the local agency must agree to submit them.

Solano County Airport Land Use Commission

The Solano County Airport Land Use Commission was established in December 1971 under County Ordinance 781. Provisions of the state Public Utilities Code allow a body other than one established solely as an ALUC to be designated to take on a county's airport land use commission functions. Accordingly, the Solano County Airport Advisory Committee was designated and continues to serve as the Solano County Airport Land Use Commission.

The Airport Land Use Commission consists of nine members. Each member serves a four-year term and must be a Solano County resident. Five members are appointed by the Board of Supervisors, one from each supervisorial district. The other four members are appointed by the selection committee of city mayors, one each from the cities of Fairfield, Rio Vista, Vacaville, and Vallejo. At least five of the commission members are to have expertise in aviation as defined by Section 21670(e) of the Public Utilities Code.

The Commission Secretary is the Director of the Solano County Department of Environmental Management or a person designated by the director with the concurrence of the ALUC Chairman.

Relationship of ALUC to County and City Governments

The relationship of airport land use commissions to county and city governments is set by the State Aeronautics Act. Functionally, the Solano County ALUC is closely tied to Solano County government. It is supported both by county staff and by county funding. However, these functional ties notwithstanding, the decision-making authority of the ALUC is independent of the county Board of Supervisors. The ALUC is not simply an advisory body for the Board of Supervisors in the manner that the Planning Commission is. Rather, it is more equivalent to the Solano County Local Agency Formation Commission (LAFCo).

The ALUC does not need Board of Supervisors approval in order to adopt or amend these *Review Procedures* or any of the individual airport compatibility plans. Similarly, when reviewing proposed county or city land use plans and development projects as required by state law, the actions which the ALUC takes are not merely advisory. If the governing body of the affected land use jurisdiction — either the Board of Supervisors or a city council — disagrees with an ALUC decision, that body must follow the steps established in state law to overrule the ALUC. Any such overruling requires a two-thirds vote of the agency's governing body after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state law. The findings should identify the substantial factual information which supports the appropriateness of the overruling action.

POLICY FRAMEWORK

The policies set forth in Chapter 2 of this *Review Procedures* document and in the individual compatibility plans have two primary sources as their basis: state laws and guidelines; and master plans for the respective airports.

State Laws and Guidelines

Many of the procedures which govern how ALUCs operate are defined by state law. Statutory provisions establish the requirements for ALUC adoption of compatibility plans, including which airports should or can be included and some of the steps involved in the plan adoption. The law also dictates the requirements for airport land use compatibility reviews by the ALUC. The types of actions which local jurisdictions must submit for review are specified, for example.

Another foundation for ALUC compatibility planning policies is the *California Airport Land Use Planning Handbook* published in 2002 by the California Department of Transportation, Division of Aeronautics. The *Handbook* provides extensive guidance on preparation and content of compatibility plans, on procedures for ALUC review of local actions, and on the responsibilities of local agencies. The second half of the document contains background information and policy guidance regarding noise and safety compatibility, including valuable data regarding general aviation aircraft accident location patterns.

Two sections of state law mandate use of the *Handbook* in local planning actions. Public Utilities Code Section 21674.7 requires ALUCs to be “guided by” information in the *Handbook* when formulating or amending compatibility plans. Also, Public Resources Code Section 21096 (see Appendix A herein) creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. When preparing environmental documents for projects located within the boundaries of an airport influence area as adopted by an ALUC, this law requires lead agencies to use the *Handbook* as “a technical resource” with regard to the assessment of airport-related noise and safety impacts.

Relationship to Airport Master Plans

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

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, PUC Section 21675(a) requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics.

With respect to the airports in Solano County, master plans have been prepared and adopted for the two public-use facilities: Nut Tree Airport owned by the county; and Rio Vista Municipal Airport owned by the City of Rio Vista. Equivalent documents are not available for the two military airports: Travis Air Force Base and the Travis Aero Club. As indicated in the respective compatibility plans for the latter two facilities, other sources are utilized for data on airfield configuration and aircraft activity levels.

PLAN IMPLEMENTATION

General Plan Consistency

State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The law says that local agencies must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action permitted for local agencies is to overrule the ALUC as described above.

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

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

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

- ◆ **Incorporate Policies into Existing General Plan Elements** — One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, the majority of compatibility plan policies would be fully incorporated into a local jurisdiction's general plan.
- ◆ **Adopt a General Plan Airport Element** — Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.

- ◆ **Adopt Compatibility Plan as Stand-Alone Document** — Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of this *Review Procedures* document and the airport policies and map from the applicable compatibility plan. Changes to the community’s existing general plan would be minimal. Policy reference to the ALUC plans would need to be added and any direct land use or other conflicts with compatibility planning criteria would have to be removed. Limited discussion of compatibility planning issues could be included in the general plan, but the substance of most compatibility policies would appear only in the ALUC plans.

- ◆ **Implement Compatibility Policies Solely through Zoning** — This approach is similar to the one above except that the local jurisdiction would not explicitly adopt the ALUC plan as policy. Instead, the compatibility policies would be restructured either as an airport combining zone ordinance or otherwise incorporated into the criteria specified for regular land use zone districts. Implementation of the compatibility policies would be solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone.

A final option is for the local jurisdiction to make just the changes to its general plan necessary to eliminate any direct conflicts with the ALUC plan and then submit all applicable land use plans and development actions to the ALUC for review.

Project Referrals

In addition to the types of land use actions for which referral to the ALUC is mandatory in accordance with state law, these procedures specify other land use projects which either must or should be submitted for review. These *major land use actions* are defined in Chapter 2. Beginning with when an updated or amended compatibility plan for each of the county airports is adopted and until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the respective compatibility plan or plans, the ALUC requests that these major actions continue to be submitted on a voluntary basis.

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Countywide ALUC Review Policies

1. GENERAL APPLICABILITY

1.1. Relationship to Compatibility Plans for Individual Airports

1.1.1. *Purpose* — These *Solano County Airport Land Use Compatibility Review Procedures* serve two functions:

- (a) To articulate the criteria, in accordance with the California State Aeronautics Act, which the County of Solano and affected cities in the county:
 - (1) Shall use as the basis for referring specified land use development proposals to the Solano County Airport Land Use Commission (ALUC) for review.
 - (2) Shall apply when modifying their respective general plans and zoning ordinances to be consistent with the Commission’s compatibility plans for the individual airports in the county.
 - (3) Shall consider when making other planning decisions regarding the proposed development of lands impacted by airport operations.
- (b) To define the process by which the ALUC:
 - (1) Shall review proposed land use development in Solano County and affected cities within the county for compatibility with airport activity.
 - (2) Shall review certain types of airport development proposals which are also subject to ALUC review.

1.1.2. *Precedence* — This *Review Procedures* document comprises one portion of the compatibility plan for each of the individual airports in Solano County.

- (a) The procedural policies set forth herein apply to each airport. To the extent that there are any conflicts with the procedural policies included in the individual airport plans, the policies in this countywide document take precedence.
- (b) The respective plans for each airport establish the policies — in the form of criteria and maps — by which the compatibility of land use development around each airport is to be evaluated. Those policies remain in effect.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document and the plans for each individual airport (additional terms are defined in the *Glossary*):

- 1.2.1. *Aeronautics Act* — Except as indicated otherwise, the article of the California Public Utilities Code (Section 21670 et seq.) pertaining to airport land use commissions.
- 1.2.2. *Airport* — The Nut Tree Airport, Rio Vista Municipal Airport, Travis Air Force Base, Travis Aero Club, or any new public-use airport that might be created within the boundaries of Solano County.
- 1.2.3. *Airport Influence Area* — An area, as delineated herein, that is routinely affected by aircraft operations at an airport and within which certain land use actions are subject to ALUC review. The term *airport influence area* is synonymous with the term *planning area* referred to in State Aeronautics Act Section 21675.
- 1.2.4. *Airport Land Use Commission (ALUC)* — The Solano County Airport Land Use Commission.
- 1.2.5. *Airport Land Use Commission Secretary* — The Director of the Solano County Department of Environmental Management or a person designated by the director with the concurrence of the ALUC chairman.
- 1.2.6. *Aviation-Related Use* — Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.

- 1.2.7. *Avigation Easement* — An easement that conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)
- 1.2.8. *Community Noise Equivalent Level (CNEL)* — The noise metric adopted by the state of California for evaluating airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 1.2.9. *Compatibility Plan* — This *Review Procedures* document together with any of the individual plans adopted by the ALUC setting forth compatibility criteria for lands in the vicinity of an airport in Solano County.
- 1.2.10. *Compatibility Zone* — Any of the zones set forth in a compatibility plan for the purposes of assessing land use compatibility within an airport influence area.
- 1.2.11. *Existing Land Use* — A land use that either physically exists or for which local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary. Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
 - (a) A tentative parcel or subdivision map has been approved and not expired;
 - (b) A vesting tentative parcel or subdivision map has been approved;
 - (c) A development agreement has been approved and remains in effect;
 - (d) A final subdivision map has been recorded;
 - (e) A use permit or other discretionary entitlement has been approved and not yet expired; or
 - (f) A valid building permit has been issued.
- 1.2.12. *Federal Aviation Regulations (FAR) Part 77* — The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions.
- 1.2.13. *Height Review Overlay Zone* — Areas of land in the vicinity of an airport where the ground lies above an FAR Part 77 surface or less than 35 feet beneath such surface.

- 1.2.14. *Heliport* — For the purposes of the plan, a helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded. Personal-use heliports may or may not require a state permit depending upon their location and other factors.
- 1.2.15. *Infill* — Development of vacant or underutilized land within areas that are already largely developed or are used more intensively. See Section 2.4.3.(a) for criteria used to identify infill areas for compatibility planning purposes.
- 1.2.16. *Local Jurisdiction* — The county of Solano or any city or other government agency (except agencies of the state or federal government) having jurisdiction over land uses within their boundaries.
- 1.2.17. *Major Land Use Action* — Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.5.3.
- 1.2.18. *Nonconforming Use* — In general, a land use, parcel, or building that does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of the individual compatibility plans for airports in Solano County, a nonconforming use is one that exists (see definition of “existing land use” in Policy 1.2.11) as of the plan’s adoption date, but which does not conform with the compatibility criteria set forth herein.
- 1.2.19. *Project; Land Use Action; Development Proposal* — Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to the provisions of this *Compatibility Plan*.

1.3. Geographic Scope

These *Solano County Airport Land Use Compatibility Review Procedures* apply to:

1.3.1. *Airport Influence Area*

- (a) All lands on which the uses could be negatively affected by present or future aircraft operations at any of the airports in Solano County, as well as lands on which the uses could negatively affect any of the same airports.

- (b) The specific limits of the influence area for each airport are depicted on the maps contained within the respective compatibility plans.
- (c) An airport influence area can cross a county line. However, neither this *Review Procedures* document nor the individual airport compatibility plans are binding outside Solano County.
 - (1) Small portions of the Travis AFB influence area extend into Napa and Yolo counties.

- 1.3.2. *Countywide Impacts on Flight Safety* — Other lands, regardless of their location in the county, on which certain land use characteristics could adversely affect the safety of flight in the county. The specific uses of concern are identified in Policy 1.5.3.(c).
- 1.3.3. *New Airports* — The site and environs of any new airport that may be proposed anywhere in the county, including incorporated cities, and that requires an Airport Permit from the California Department of Transportation (agricultural airports, personal-use airports, and seaplane landing sites are generally exempt from state permit requirements).
- 1.3.4. *Heliports* — The site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) that may exist or be proposed anywhere within Solano County, including incorporated cities.

1.4. Types of Airport Impacts

- 1.4.1. *Principal Compatibility Concerns* — The Commission is concerned only with the potential impacts related to:
 - (a) Exposure of land uses and people to aircraft noise;
 - (b) Land use safety — the risks, both to people on the ground and the occupants of aircraft, associated with aircraft accidents near airports;
 - (c) Protection of airport airspace from hazards to flight; and
 - (d) General concerns, especially annoyance, related to aircraft overflights.

1.5. Types of Actions Reviewed

- 1.5.1. *Actions Which Always Require ALUC Review* — As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the *Compatibility Plan* prior to their approval by the local jurisdiction:
- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (State Aeronautics Act Section 21676(b)).
 - (b) The adoption or approval of a zoning ordinance or building regulation that (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Section 1.4 (State Aeronautics Act Section 21676(b)). Any proposed change or variance to any such ordinance or regulation also must be submitted for ALUC review if issues of noise, safety, air-space protection, or overflight as addressed herein are involved.
 - (c) Adoption or modification of the master plan for an existing public-use airport (State Aeronautics Act Section 21676(c)).
 - (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (State Aeronautics Act Section 21664.5).
 - (e) Any proposal for a new airport or heliport whether for public use or private use (State Aeronautics Act Section 21661.5) if the facility requires a Airport Permit or Heliport Permit issued by the California Department of Transportation.
- 1.5.2. *Other Land Use Actions Subject to ALUC Review* — In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:
- (a) Until such time as (1) the Commission finds that a local agency's general plan or specific plan is consistent with a compatibility plan as presently adopted or as amended in the future or (2) the local agency has overruled the Commission's determination of inconsistency, state law requires the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the Commission for review (State Aeronautics Act Section 21676.5(a)). Only those actions that the ALUC elects not to review are exempt from this requirement. Commission policy is that only the *major land use actions* listed in Policy 1.5.3 shall be submitted for review.

- (b) After a local agency has revised its general plan or specific plan for consistency with the *Compatibility Plan* (see Policy 2.4.2) or has overruled the Commission, the Commission no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the Commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity.
 - (1) The Commission requests local agencies to continue to submit *major land use actions* as listed in Policy 1.5.3. ALUC review of these types of projects can serve to enhance their compatibility with airport activity.
 - < This request applies to all portions of the influence areas for the Nut Tree Airport, Rio Vista Municipal Airport, and Travis Aero Club.
 - < For the Travis Air Force Base influence area, ALUC review is requested only for actions that concern locations within *Compatibility Zones A, B1, B2, or C* or the *Height Review Overlay Zone* or that involve objects more than 200 feet in height.
 - (2) Review of these actions is requested only if a review has not previously been conducted as part of a general plan, specific plan, or zoning ordinance action or if sufficient project-level detail to enable a full assessment of compatibility was not available at the time of a previous review.
 - (3) Because the ALUC is acting in an advisory capacity when reviewing projects under these circumstances, local jurisdictions are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions suggested by the Commission.
- (c) Proposed redevelopment of a property for which the existing use is consistent with the local general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in the applicable compatibility plan, shall be subject to ALUC review. This policy is intended to address circumstances which arise when a general or specific plan land use designation does not conform to ALUC compatibility criteria, but is deemed consistent with the compatibility plan because the designation reflects an existing land use. Proposed redevelopment of such lands voids the consistency status and is to be treated as new development subject to ALUC review even if the proposed use is consistent with the local general plan or specific plan. (Also see Policies 2.4.2, 2.4.3.(b), and 2.4.3.(c).)
- (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the ALUC Secretary. If the Secretary determines that significant compatibility issues are evident, the proposal shall be forwarded to the Commission for review and decision. The Commission authorizes the

Secretary to approve proposed actions having no apparent compatibility issues of significance.

1.5.3. *Major Land Use Actions* — The scope or character of certain proposed *major land use actions*, as listed below, is such that their compatibility with airport activity is a potential concern. Even though these actions may be basically consistent with the local general plan or specific plan, sufficient detail may not be known to enable a full airport compatibility evaluation at the time that the general plan or specific plan is reviewed. To enable better assessment of compliance with the compatibility criteria set forth in the individual airport compatibility plans, ALUC review of these actions may be warranted. The circumstances under which ALUC review of these actions is to be conducted are indicated in Policy 1.5.2 above.

(a) Actions affecting land uses within an airport influence area.

- (1) Any proposed expansion of the sphere of influence of a city or special district.
- (2) Proposed pre-zoning associated with future annexation of land to a city.
- (3) Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels (see individual compatibility plans for exceptions).
- (4) Any discretionary development proposal for projects having a building floor area of 20,000 square feet or greater.
- (5) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).
- (6) Any off-airport, nonaviation use of land within a runway protection zone at Nut Tree Airport or Rio Vista Municipal Airport or a clear zone at Travis Air Force Base or Travis Aero Club.
- (7) Any object having a height which requires review by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations.
- (8) Any project having the potential to attract an increased number of birds to the vicinity of an airport.
- (9) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - < Electrical interference with radio communications or navigational signals;
 - < Lighting that could be mistaken for airport lighting;
 - < Glare in the eyes of pilots of aircraft using the airport; and
 - < Impaired visibility near the airport.

- (b) Proposed nonaviation development of airport property (excluding federally owned property) if such development has not previously been included in an airport master plan or community general plan reviewed by the Commission. (See Policy 1.2.6 for definition of aviation-related use.)
 - (c) Regardless of location within Solano County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations, Part 77, Paragraph 77.13(a)(1).)
 - (d) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.
- 1.5.4. *Intercounty Coordination* — Where an airport influence area crosses the Solano County line, affected jurisdictions outside of the county are asked to coordinate with the Solano County ALUC on airport land use compatibility issues.
- (a) The ALUC requests the opportunity to comment upon any major land use actions, as defined above, proposed to be situated within the portions of the Travis Air Force Base influence area that extend into adjacent counties.
 - (b) Any county adjacent to Solano County or any city or other agency within such counties which may be considering proposed establishment or expansion of an airport within three miles, or a heliport within one mile, of the Solano County boundary should inform the Solano County ALUC of such proposal.
 - (c) Solano County ALUC review of such actions is advisory only. The ALUC has no jurisdiction over development outside Solano County boundaries.

2. REVIEW OF LAND USE ACTIONS

2.1. General

- 2.1.1. *Timing of Project Submittal* — Proposed actions listed in Section 1.5 *should* be referred to the Commission at the earliest reasonable point in time so that the Commission's (or ALUC Secretary's) review can be duly considered by the local jurisdiction prior to formalizing its actions. The timing may vary depending upon the nature of the specific project. However, all projects *must* be submitted to the Commission for review prior to final approval by the local government entity.

- 2.1.2. *Public Input* — Where applicable, the Commission shall provide public notice and obtain public input in accordance with the State Aeronautics Act (Public Utilities Code Section 21675.2(d)) before acting on any plan, regulation, or other land use proposal under consideration.

2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.1. *Initial ALUC Review of General Plan Consistency* — In conjunction with adoption or amendment of the compatibility plan for any of the airports covered by these procedural policies, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies.
- (a) Within 180 days of the Commission's adoption or amendment of a compatibility plan, each local agency must amend its general plan and any applicable specific plan to be consistent with the Commission's plan or, alternatively, adopt findings and overrule the Commission in accordance with Section 21676(b) of the Public Utilities Code (Government Code Section 65302.3).
 - (b) Prior to taking action on a proposed amendment, the local agency must submit a draft of the proposal to the Commission for review and approval.
 - (c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC, a local agency may request that the Commission modify the areas defined as "infill" in accordance with Policy 2.4.3.(a). The Commission will include a determination on the infill as part of its action on the consistency of the general plan and specific plans.
- 2.2.2. *Subsequent Reviews of Land Use Development Proposals* — As indicated in Policies 1.5.1.(a) and 1.5.1.(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined herein, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review. Subsequent land use development that is consistent with applicable, previously reviewed, local plans, ordinances, and regulations is subject to Commission review only under the conditions indicated in Policies 1.5.2 and 2.3.5.
- 2.2.3. *Commission Action Choices* — When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with a compatibility plan, the Airport Land Use Commission has three choices of action:
- (a) Find the plan, ordinance, or regulation consistent with the compatibility plan. To make such a finding with regard to a general plan, the conditions identified in Policy 2.4.2 must be met.

- (b) Find the plan, ordinance, or regulation consistent with the compatibility plan, subject to conditions and/or modifications that the Commission may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.
- (c) Find the plan, ordinance, or regulation inconsistent with the compatibility plan. In making a finding of inconsistency, the Commission shall note the specific conflicts or shortcomings upon which its determination is based.

2.2.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).

- (a) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal laws and regulations.
- (c) The referring agency shall be notified of the Commission's action in writing.

2.3. Review Process for Major Land Use Actions

2.3.1. *Project Submittal Information* — A proposed major land use action submitted to the Commission (or to the ALUC Secretary) for review shall include:

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

- (7) Identification of any characteristics that could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
 - (8) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (9) Any staff reports regarding the project that may have been presented to local agency decision makers.
 - (10) Other relevant information that the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.
- (b) Any applicable review fees as established by the Solano County Airport Land Use Commission.
- 2.3.2. *ALUC Secretary's Choices* — When reviewing major land use actions in accordance with Policy 1.5.2.(d), the ALUC Secretary has two choices of action:
- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in the appropriate compatibility plan. The Secretary is authorized to approve such projects on behalf of the Commission.
 - (b) Find that the proposed project may be inconsistent with the compatibility plan. The Secretary shall forward any such project to the Commission for a consistency determination.
- 2.3.3. *Commission Action Choices* — When reviewing a major land use project proposal, the Airport Land Use Commission has three choices of action:
- (a) Find the project consistent with the compatibility plan.
 - (b) Find the project consistent with the compatibility plan, subject to compliance with such conditions as the Commission may require. Any such conditions should be limited in scope and be described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).
 - (c) Find the project inconsistent with the compatibility plan. In making a finding of inconsistency, the Commission shall note the specific conflicts upon which its determination is based.
- 2.3.4. *Response Time* — State law does not set a time limit for airport land use commissions to review land use actions other than amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation. Nevertheless, the policy of the Solano County Airport Land Use Commission is that:

- (a) When a major land use action is submitted for review on a mandatory basis as required by Policy 1.5.2.(a):
 - (1) Reviews by the ALUC Secretary shall be completed within 30 days of when a complete application is submitted.
 - (2) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date of project referral.
 - (3) The date of referral is deemed to be the date on which all applicable project submittal information as listed in Policy 2.3.1 is received by the Commission Secretary.
 - (4) If the ALUC Secretary or the Commission fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the compatibility plan.
 - (b) When a major land use action is submitted on an optional basis in accordance with Policy 1.5.2.(b), review by the ALUC Secretary and/or the Commission should be completed in a timely manner enabling the comments to be considered by decision-making bodies of the submitting agency.
 - (c) Regardless of action or failure to act on the part of the ALUC Secretary or the Commission, the proposed action still must comply with other applicable local, state, and federal laws and regulations.
 - (d) The referring agency shall be notified of the ALUC Secretary's and/or the Commission's action in writing.
- 2.3.5. *Subsequent Review* — Once a project has been found consistent with the relevant compatibility plan or plans, it need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed) unless:
- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g., the site layout and structure height might not be known at the time a general plan change or zoning amendment is requested).
 - (b) The design of the project subsequently changes in a manner that reopens previously considered compatibility issues and could raise questions as to the validity of the earlier finding of compatibility. Changes warranting a new review include, but are not limited to, the following:

- (1) An increase in the number of dwelling units, intensity of use (more people on the site), or other usage characteristics to levels exceeding the criteria set forth in the individual airport compatibility plans;
 - (2) A proposed increase in the height of structures or other design features such that the height limits established by the individual compatibility plans would be exceeded (or exceeded by a greater amount);
 - (3) Major site design changes (such as incorporation of clustering or modifications to the configuration of open land areas proposed for the site) if site design was an issue in the initial project review; and/or
 - (4) Any significant change to a proposed project for which a special exception was granted in accordance with Policy 2.4.3.(f).
- (c) The local jurisdiction concludes that further review is warranted.

2.4. Review Criteria for Land Use Actions

2.4.1. *Compatibility Criteria* — The compatibility criteria applicable to the review of proposed land use actions in the vicinity of airports in Solano County are set forth in the compatibility plan for the respective airport. Additional factors pertaining to the review of general plans as described in Policy 2.4.2, as well as the special conditions cited in Policy 2.4.3, shall also be taken into account.

2.4.2. *General Plan Consistency with Compatibility Plan* — In order for a general plan to be considered consistent with the applicable compatibility plan, both of the following must be accomplished:

- (a) No direct conflicts can exist between the two plans.
 - (1) Direct conflicts primarily involve general plan land use designations that do not meet the density or intensity criteria specified in a compatibility plan although conflicts with regard to other policies also may exist.
 - (2) Note, however, that a general plan cannot be found inconsistent with a compatibility plan because of land use designations that reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCs have no authority over existing land uses, general plan land use designations that merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Policies 2.4.3.(b) and 2.4.3.(c).

- (b) Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the compatibility plan.
- (1) Even if the land use designations in a general plan have been deemed consistent with the applicable compatibility plan, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
 - (2) Local jurisdictions must choose among the following options, or a combination thereof, for satisfying this evaluation requirement:
 - < Sufficient detail can be included in the general plan and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan (this requires both that the compatibility criteria be identified and that project review procedures be described);
 - < The ALUC’s compatibility plan can be adopted by reference (additionally, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or
 - < The general plan can indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.
 - (3) The status of ALUC review of major land use actions depends upon which of the options in Sub-Policy (2) above that the local agency selects for making its general plan consistent with the compatibility plan. This status, in turn, affects whether a local agency would be required to utilize the overruling process in the event of a disagreement with the ALUC’s action.
 - < If either of the first two options under Sub-policy (2) above is selected, then referral of major land use actions to the ALUC is voluntary. In this case, the Commission’s review is advisory and the local agency would not need to utilize the overruling process if it elects to approve a project without incorporating the Commission’s comments.
 - < If the third option is chosen, submittal of major land use actions for ALUC review is mandatory and overruling procedures would apply.

2.4.3. *Special Conditions*

- (a) *Infill* —Where development not in conformance with the criteria set forth in a compatibility plan already exists, additional infill development of similar land

uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.

- (1) A parcel can be considered for *infill* development if it meets *all* of the following criteria plus the applicable provisions of either Sub-policy (2) or (3) below:
 - < The parcel size is no larger than 10.0 acres.
 - < At least 65% of the site's perimeter is bounded by adjacent (including across roads) existing uses similar to, or more intensive than, those proposed.
 - < The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
 - < Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.
 - < The area to be developed cannot previously have been set aside as open land in accordance with policies contained in some of the individual airport compatibility plans unless replacement open land is provided within the same compatibility zone.
- (2) For residential development, the development density (dwelling units per gross acre) shall not exceed the lesser of:
 - < The average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or
 - < Double the density permitted in accordance with the criteria for that location as indicated in the applicable compatibility plan or plans.
- (3) For nonresidential development, the usage intensity (the number of people per gross acre) of the proposed use shall not exceed the lesser of:
 - < The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or
 - < Double the intensity permitted in accordance with the criteria for that location as indicated in the applicable compatibility plan or plans.
- (4) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that parcels eligible for infill be determined just once. Thus, in order for the ALUC to consider proposed development under these infill criteria, the entity having land use authority (Solano County or affected cities) must first identify the qualifying locations in its general plan or other adopted planning document approved by the ALUC. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC plan or may be submitted by the local agency for

consideration by the ALUC at the time of adoption of a compatibility plan. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the project proponent and/or affected land use jurisdiction.

- (b) *Nonconforming Uses* — Uses not in conformance with a compatibility plan may only be expanded as follows:
- (1) A nonconforming residential use may be expanded in building size provided that the expansion does not result in more dwelling units than currently exist on the parcel (a bedroom could be added, for example, but a separate dwelling unit could not be built). No ALUC review of such improvements is required.
 - (2) A nonconforming nonresidential development may be continued, modified, transferred, or sold, provided that no such use shall be expanded in area or increased in intensity (the number of people per acre) above the levels existing at the time of adoption of the compatibility plan or plans applicable to that location. No ALUC review of such changes is required.
 - (3) ALUC review is required for any proposed expansion of a nonconforming use (in terms of the number of dwelling units or people on the site). Factors to be considered in such reviews include whether the development qualifies as infill (Policy 2.4.3.(a)) or warrants approval because of other special conditions (Policy 2.4.3.(f)).
- (c) *Reconstruction* — An existing nonconforming development that has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:
- (1) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
 - (2) A nonconforming nonresidential development may be rebuilt, even if completely destroyed, provided that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre).
 - (3) Reconstruction under Paragraphs (1) or (2) above must begin within 12 months and be completed within 24 months of the date that the damage occurred. Upon request, the ALUC may grant an extension to these time limits.
 - (4) Nonconforming uses situated within a runway protection zone or clear zone should not be rebuilt regardless of whether they meet the above conditions.

- (5) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.
- (d) *Development by Right* — Nothing in these policies prohibits construction or alteration of a single-family home on a legal lot of record if such use is permitted by local land use regulations. Construction of other types of uses also may proceed if local government approvals qualify the development as effectively existing (see Policy 1.2.11 for definition).
- (e) *Parcels Lying within Two or More Compatibility Zones* — For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the limits which would otherwise apply within that compatibility zone.
- (f) *Other Special Conditions* — The compatibility criteria set forth in the individual airport compatibility plans are intended to be applicable to all locations within the respective airport's influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.
 - (1) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
 - (2) In reaching such a decision, the Commission 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.
 - (3) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.
 - (4) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.

3. REVIEW OF AIRPORT MASTER PLANS AND DEVELOPMENT PLANS

3.1. Review Process

- 3.1.1. *Project Submittal Information* — An airport master plan or development plan submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, airspace protection, and overflight annoyance impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available.
- (a) At a minimum, information to be submitted shall include:
- (1) A layout plan drawing of the proposed facility showing the location of:
 - < Property boundaries;
 - < Runways or helicopter takeoff and landing areas;
 - < Runway or helipad protection zones; and
 - < Aircraft or helicopter approach/departure flight routes.
 - (2) Airspace surfaces in accordance with Federal Aviation Regulations, Part 77.
 - (3) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus evening and night operations, and the distribution of takeoffs and landings for each runway direction.
 - (4) Proposed flight track locations and projected noise contours or other relevant noise impact data.
 - (5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or development plan.
 - (6) Any environmental document (initial study, draft environmental impact report, etc.) that may have been prepared for the project.
 - (7) Identification and proposed mitigation of impacts on surrounding land uses.
- (b) Any applicable review fees as established by the Solano County Airport Land Use Commission shall accompany the application.

- 3.1.2. *Commission Action Choices for Plans of Existing Airports* — When reviewing airport master plans or expansion plans for existing public-use airports, the Commission has three action choices:
- (a) Find the airport plan consistent with these *Airport Land Use Compatibility Review Procedures* and the compatibility plan for that airport.
 - (b) Find the airport plan inconsistent with these procedures and/or the applicable plan.
 - (c) Modify the applicable compatibility plan (after duly noticed public hearing) to reflect the assumptions and proposals in the airport plan.
- 3.1.3. *Commission Action Choices for Reviews of New Airports or Heliports* — When reviewing proposals for new public-use or special-use airports or heliports (as defined in state regulations), the Commission's choices of action are:
- (a) Approve the proposal as being consistent with the specific review policies listed in Section 3.3 below.
 - (b) Approve the proposal and adopt a compatibility plan for that facility. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (State Aeronautics Act Section 21675(a)).
 - (c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.
- 3.1.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's submittal of an airport master plan or development plan within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).
- (a) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with these review procedures
 - (b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal laws and regulations.
 - (c) The referring agency shall be notified of the Commission's action in writing.

3.2. Review Criteria for Master or Development Plans of Existing Airports

- 3.2.1. *Substance of Review* — When reviewing airport master plans or development plans for existing public-use airports, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport as indicated in the airport's compatibility plan. Attention should specifically focus on:
- (a) Activity forecasts that are: (1) significantly higher than those in the applicable compatibility plan; or that (2) include a higher proportion of larger or noisier aircraft.
 - (b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location of an existing runway; or (3) establish an instrument approach procedure.
- 3.2.2. *Noise Impacts of New or Expanded Airports or Heliports* — Any proposed construction of a new airport or heliport or expansion of facilities at an existing airport or heliport that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this plan, a noise increase shall be considered significant if:
- (a) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.
 - (b) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.
 - (c) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.
- 3.2.3. *Consistency Determination* — The Commission shall determine whether the proposed airport plan or development plan is consistent with the applicable compatibility plan. The Commission shall base its determination of consistency on:
- (a) Findings that the forecasts and aviation-related development identified in the airport plan would not result in greater noise, overflight, or safety impacts or height restrictions on surrounding land uses than are assumed in the compatibility plan.
 - (b) A determination that any nonaviation development proposed for locations within the airport boundary (excluding federal- or state-owned property) will be consistent with the compatibility criteria and policies indicated in the com-

patibility plan for that airport (see Policy 1.2.6 for definition of aviation-related use).

3.3. Review Criteria for Proposed New Airports or Heliports

- 3.3.1. *Substance of Review* — In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, airspace protection, and overflight annoyance 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 Commission review.
 - (b) The Commission 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 Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.
- 3.3.2. *Airport/Land Use Relationships* — 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.
- (a) Questions to be considered should include:
 - (1) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?
 - (2) 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:
 - < Location of flight tracks so as to minimize the impacts;
 - < Other operational procedures to minimize impacts;
 - < Installation of noise barriers or structural noise insulation;
 - < Acquisition of property interests (fee title or easements) on the impacted land.
 - (b) The noise impact assessment criteria listed in Policy 3.2.2 with respect to airport expansion projects shall also be considered with regard to the review of new airport development.