CHAPTER 1 INTRODUCTION

OVERVIEW 1-1
AIRPORT LAND USE COMMISSION REQUIREMENTS 1-2
ALUC Powers and Duties 1-2
ALUC Limitations 1-2
AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS 1-3
ALUCP Guidelines 1-3
ALUCP Relationship to Airport Master Plans 1-3
ALUCP Airport Activity Forecasts 1-4
ALUCP IMPLEMENTATION REQUIREMENTS 1-4
Relationship of the ALUC to County and City Governments of Madera County 1-4
General Plan Consistency 1-5
Overruling ALUC Decisions 1-6
COMPATIBILITY PLANNING IN MADERA COUNTY 1-7
Madera County ALUC 1-7
Airport Plans for Madera County Airport 1-7
ALUCP Development Process 1-8
ALUCP Contents 1-8

Exhibit

1A Location Map 1-9

CHAPTER 2 PROCEDURAL POLICIES

1. GENERAL APPLICABILITY

1.1. DEFINITIONS 2-1
1.1.1. Actions/Projects/Proposals 2-1
1.1.2. Aeronautics Act 2-1
1.1.3. Airport 2-1
1.1.4. Airport Influence Area/Referral Area 2-1
1.1.5. Airport Land Use Commission (ALUC) 2-1
1.1.6. Airport Land Use Commission Secretary 2-1
1.1.7. Airport Proximity Disclosure 2-2
1.1.8. Airspace Protection Surfaces/Plans/Zones 2-2
1.1.9. ALUCP/Compatibility Plan 2-2
1.1.10. Aviation-Related Use 2-2
1.1.11. Avigation Easement 2-2
1.1.12. Community Noise Equivalent Level (CNEL) 2-2
1.1.13. Compatibility Zone 2-2
1.1.14. Density 2-2
1.1.15. Existing Land Use 2-2
1.1.16. Existing Nonconforming Use 2-3
1.1.17. Federal Aviation Regulations Part 77 2-3
1.1.18. Handbook 2-3
1.1.19. Intensity 2-3
1.1.20. Local Agency 2-3

1.1.21. Noise-Sensitive Land Uses 2-3
1.1.22. Object Free Area (OFA) 2-3
1.1.23. Overrule 2-3
1.1.24. Reconstruction 2-3
1.1.25. Recorded Overflight Notification 2-4
1.1.26. Redevelopment 2-4
1.1.27. Risk-Sensitive Land Uses 2-4
1.2. ALUCP OVERVIEW 2-4
1.2.1. ALUC 2-4
1.2.2. ALUCP 2-4
1.2.3. Effective Date 2-4
1.2.4. Use by ALUC 2-4
1.2.5. Fees 2-5
1.2.6. Examples 2-5
1.3. GEOGRAPHIC SCOPE 2-6
1.3.1. Airport Influence Area 2-6
1.3.2. Airport Growth Assumptions 2-6
1.3.3. Referral Area 2-6
1.4. ALUCP IMPLEMENTATION RESPONSIBILITIES FOR AFFECTED LOCAL AGENCIES 2-6
1.4.1. Affected Local Agencies 2-6
1.4.2. Attain Consistency with the ALUCP 2-6
1.4.3. Referring Land Use Actions 2-6
1.4.4. ALUCP Consistency Evaluations of Land Use Actions 2-6
1.4.5. Referral of Airport Actions 2-6
1.4.6. Use of Districts 2-6
1.4.7. Referencing ALUCP in CEQA Documents 2-6
1.5 LIMITATIONS OF THE ALUC AND THIS ALUCP 2-7
1.5.1. Airport Operations 2-7
1.5.2. Federal, State, and Tribal Entities 2-7
1.5.3. Existing Land Uses 2-7
1.5.4. Development by Right 2-8
1.5.5. Submittal of Environmental Documents 2-8
2. ALUC REFERRAL/REVIEW PROCESS
2.1. ACTIONS SUBJECT TO ALUC REVIEW 2-8
2.1.1. Land Use Actions Always Requiring ALUC Review 2-8
2.1.2. Interim Mandatory Referral of Disputed Land Use Actions 2-9
2.1.3. Voluntary Referral of Land Use Actions 2-9
2.1.4. Airport Actions Always Requiring ALUC Review 2-10
2.2. GENERAL REFERRAL REQUIREMENTS 2-10
2.2.1. Timing of Referral 2-10
2.2.2. Public Input 2-10
2.3. REVIEW PROCESS FOR LAND USE ACTIONS 2-10
2.3.1. Required Submittal Information for Land Use Actions 2-10
2.3.2. Consistency Reviews by ALUC 2-11
2.3.3. Consistency Reviews by ALUC Secretary 2-11
2.3.4. Response Time 2-12
2.4. REVIEW PROCESS FOR AIRPORT ACTIONS 2-13
2.4.1. Required Submittal Information for Airport Actions 2-13

2.4.2. ALUC Action Choices for Airport Actions....2-14
2.4.3. ALUC Action Choices for Plans of New Airports or Heliports....2-14
2.4.4. Response Time....2-14
2.5. ALUC ROLE FOR LOCAL AGENCY OVERRULES....2-15
2.5.1. ALUC Determination of "Inconsistent"....2-15
2.5.2. Overruling of ALUC by Local Agency....2-15
2.5.3. ALUC Comments on Proposed Overruling....2-15

CHAPTER 3 COMPATIBILITY POLICIES AND MAPS

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS
3.1. CRITERIA FOR REVIEW OF GENERAL PLANS, SPECIFIC PLANS, ZONING ORDINANCES, BUILDING REGULATION AND FACILITY MASTER PLANS....3-1
3.1.1. Statutory Requirement....3-1
3.1.2. Elimination of Conflicts....3-1
3.1.3. Establishment of Review Process....3-2
3.1.4. Land Use Conversion....3-2
3.2. CRITERIA FOR REVIEW OF PROPOSED LANDS....3-2
3.2.1. Evaluating Compatibility of New Land Uses....3-2
3.2.2. Compatibility Criteria Table....3-3
3.2.3. Compatibility Policy Map....3-3
3.3. NOISE COMPATIBILITY POLICIES....3-5
3.3.1. Maximum Acceptable Exterior Noise Exposure....3-5
3.3.2. Maximum Acceptable Interior Noise Levels....3-5
3.3.3. Noise-Sensitive Land Uses....3-6
3.3.4. Noise Criteria for Mixed-Use Development....3-6
3.4. SAFETY COMPATIBILITY POLICIES....3-8
3.4.1. Residential Development Density Criteria....3-8
3.4.2. Nonresidential Development Intensity Criteria....3-8
3.4.3. Methodology for Calculation of Sitewide Average Intensity....3-9
3.4.4. Methodology for Calculation of Single-Acre Intensity....3-12
3.4.5. Long-Term Changes in Occupancy....3-13
3.4.6. Sites Split by Two or More Compatibility Zones....3-13
3.4.7. Safety Criteria for Mixed-Use Development....3-14
3.4.8. Risk-Sensitive Land Uses....3-15
3.4.9. Open Land....3-17
3.5. AIRSPACE PROTECTION COMPATIBILITY POLICIES....3-18
3.5.1. Evaluating Airspace Protection/Object Height Compatibility for New Development....3-18
3.5.2. Object Height Criteria....3-19
3.5.3. Criteria Addressing Other Flight Hazards....3-20
3.5.4. Requirements for FAA Notification of Proposed Construction....3-20
3.5.5. ALUC Airspace Review....3-21
3.6. OVERFLIGHT COMPATIBILITY POLICIES....3-23
3.6.1. Recorded Overflight Notification....3-23
3.6.2. Airport Proximity Disclosure....3-23
3.7. CRITERIA FOR SPECIAL CIRCUMSTANCES....3-24
3.7.1. Avigation Easement Dedication....3-24
3.7.2. Existing Nonconforming Uses....3-24

3.7.3. Reconstruction 3-25
3.7.4. Rare Special Events Exception 3-26
3.7.5. Special Conditions Exception 3-26
4. COMPATIBILITY CRITERIA FOR AIRPORT ACTIONS
4.1. REVIEW CRITERIA FOR AIRPORT PLANS OF EXISTING AIRPORTS 3-27
4.1.1. Substance of Review 3-27
4.1.2. Noise Impacts of Airport Expansion 3-27
4.1.3. Consistency Determination 3-28
4.2. REVIEW CRITERIA FOR PROPOSED NEW AIRPORTS AND HELIPORTS 3-28
4.2.1. Substance of Review 3-28
4.2.2. Airport/Land Use Relationship 3-28

Exhibits
1 Floor Area Ratio (FAR) Calculation 3-10
2 Occupancy Load Calculation Example 3-12
3 Split by Compatibility Zones 3-14

Tables
3A Compatibility Criteria .... ff 3-28
3B Compatibility Zone Delineation .... ff 3-28

Maps
3A Compatibility Policy Map .... ff 3-28
3B Compatibility Policy Map: Airspace Protection Surfaces .... ff 3-28

CHAPTER 4 BACKGROUND DATA: CHOWCHILLA MUNICIPAL AIRPORT AND ENVIRONS

INTRODUCTION 4-1
AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS 4-1
Airfield Configuration 4-1
Aircraft Activity Forecasts 4-2
Aircraft Traffic Patterns 4-2
SURROUNDING LAND USES 4-2
EXHIBITS 4-3

Exhibits
4A Airport Features Summary 4-5
4B Airport Layout Plan ....ff 4-6
4C Airport Activity Data Summary 4-7
4D Compatibility Factors Map: Noise and Safety ....ff 4-8
4E Compatibility Factors Map: Overflight and Airspace ....ff 4-8
4F Airport Environs Information 4-9
4G City of Chowchilla General Plan Land Uses .... ff 4-10
4H County of Madera General Plan Land Uses .... ff 4-10

CHAPTER 5 BACKGROUND DATA: MADERA MUNICIPAL AIRPORT AND ENVIRONS

INTRODUCTION 5-1
AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS 5-1
Airfield Configuration 5-2
Aircraft Activity and Forecasts 5-2

Aircraft Traffic Patterns....5-2
SURROUNDING LAND USES....5-3
EXHIBITS....5-3

Exhibits

5A Airport Features Summary....5-5
5B Draft 2014 Airport Layout Plan....ff 5-6
5C Airport Activity Data Summary....5-7
5D Compatibility Factors Map: Noise and Safety....ff 5-8
5E Compatibility Factors Map: Overflight and Airspace....ff 5-8
5F Airport Environs Information....5-9
5G City of Madera General Plan Land Uses....ff 5-10
5H County of Madera General Plan Land Uses....ff 5-10

APPENDICES

A State Laws Related to Airport Land Use Planning
B Methods for Determining Concentrations of People
Table B1 – Occupancy Load Factors
Table B2 – Sample People-Per-Acre Calculations
C General Plan Consistency Checklist
D Sample Implementation Documents
Table D1 – Sample Airport Combining Zone Components
Table D2 – Typical Avigation Easement
Table D3 – Sample Recorded Overflight Notification
E ALUC Referral Form
F Glossary of Terms

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CHAPTER 1

Introduction

1

Introduction

OVERVIEW

This *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)* contains the individual *Compatibility Plan* for each of the two public-use airports in Madera County:

- Chowchilla Municipal Airport
- Madera Municipal Airport

The Madera County Planning Commission plus two aviation experts function as the Madera County Airport Land Use Commission (*ALUC*) for the two airports in Madera County. As adopted by the *ALUC*, the basic function of this *ALUCP* is to promote compatibility between these airports and future land use development in the surrounding areas. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to new development around each airport. Additionally, the *ALUCP* serves as a tool for use by the *ALUC* in fulfilling its duty to review plans, regulations, and other actions of local agencies and airport operators for consistency with the *ALUCP* criteria. Neither this *ALUCP* nor the *ALUC* have authority over existing land uses or over the operation of the airports.

The *Airport Influence Area* for each of the airports, as defined herein, extends roughly 1 to 2.5 miles from the airport runways. These influence areas encompass lands within three local government jurisdictions in Madera County:

- County of Madera
- City of Chowchilla
- City of Madera

These three local government jurisdictions—together with, any city, special district, school district, or community college district in Madera County that exists or may be established or expanded into any of the two *Airport Influence Areas* defined by this *ALUCP*—are subject to the provisions of the plan.[1]

[1] *Public Utilities Code Section 21670(f).*

AIRPORT LAND USE COMMISSION REQUIREMENTS

The creation of *ALUCs* and the preparation of *ALUCPs* are requirements of the California State Aeronautics Act.[2] Provisions for creation of *ALUCs* were first established under state law in 1967 (see Appendix A for a copy of the current statutes). With limited exceptions, an *ALUC* is required in every county in the state. Furthermore, an *ALUCP* is required for each public-use and military airport in the state even in instances where an *ALUC* is not established.

ALUC Powers and Duties

The fundamental purpose of *ALUCs* is to promote land use compatibility around airports. 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."[3]

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

1. *ALUCs* must prepare and adopt an *ALUCP*;
2. *ALUCs* must review the general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies for consistency with the policies and criteria in the *ALUCP*; and
3. *ALUCs* must review airport operators' proposed master plans and other airport development plans—such as, proposed nonaviation development of airport property that does not directly serve the flying public—to determine if those plans are consistent with the *ALUCP* or if modifications should be made to the *ALUCP* to reflect current airport planning.

ALUC Limitations

Two specific limitations on the powers of *ALUCs* are set in the statutes. First, as indicated above, is that *ALUCs* have no authority over areas "already devoted to incompatible uses."[4] The common interpretation of this clause is that *ALUCs* have no jurisdiction over existing land uses even if those uses are incompatible with airport activities. An *ALUC* cannot, for example, require that an existing incompatible use be converted to something compatible.

The second explicit limitation is that *ALUCs* have no "jurisdiction over the operation of any airport."[5] This limitation includes anything concerning the configuration of runways and other airport facilities, the types of aircraft operating at the airport, or where they fly.

Additionally, the authority of the *ALUC* does not extend to federal, state, tribal, or neighboring county lands in accordance with the provisions of the state *ALUC* statutes.

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[2] *The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670-21679.5 of the California Public Utilities Code (PUC).*
[3] *Public Utilities Code Section 21670(a)(2).*
[4] *Public Utilities Code Section 21674(a).*
[5] *Public Utilities Code Section 21674(e).*

AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS

ALUCP Guidelines

With respect to airport land use compatibility criteria, the statutes say little. Instead, a section of the law enacted in 1994 refers to another document, the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics. Specifically, the statutes say that, when preparing *ALUCPs* for individual airports, *ALUC*s "shall be guided by information"[6] in the *Handbook*. The statutes provide similar language indicating that local agencies "shall be guided" by the Handbook criteria before granting building permits.[7] The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports.

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and the California Environmental Quality Act (CEQA). The Public Resources Code requires lead agencies to use the *Handbook* as "a technical resource" when preparing CEQA documents assessing airport-related noise and safety impacts of projects located in the vicinity of airports.[8]

The policies and maps in this *ALUCP* rely upon the guidance provided by the current edition of the *Handbook* (October 2011). The October 2011 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

ALUCP Relationship to Airport Master Plans

ALUCPs are distinct from airport master plans, airport layout plans, and other types of airport development plans, but they are closely connected to them. An airport layout plan is a drawing showing existing facilities and planned improvements. Airport master plans primarily address on-airport issues. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. A typical airport master plan includes an airport layout plan, but also provides textual background data, a discussion of activity forecasts, and an examination of alternatives along with a detailed description of the proposed development. Airport layout plans and airport master plans are prepared for and adopted by the entity that owns and/or operates the airport. Most large, publicly owned airports have an airport master plan, but many smaller or private airports do not.

In contrast to airport layout plans and airport master plans, the focus of which is normally on on-airport concerns, airport land use compatibility plans mostly address off-airport issues. The major purpose of an *ALUCP* is to ensure that incompatible development does not occur on lands surrounding the airport. *ALUCPs* are required to reflect the planned airport development and anticipated activity at

[6] *Public Utilities Code Section 21674.7(a).*
[7] *Public Utilities Code, Section 21674.7(b)* states that "It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division…"
[8] *Public Resources Code Section 21096.*

least 20 years into the future. The responsibility for preparation and adoption of compatibility plans lies with each county's *ALUC*.

The principal connection between the two types of plans stems from the California Public Utilities Code. The statutes require that *ALUC* plans must be based upon a long-range airport master plan adopted by the airport owner/proprietor or, if such a plan does not exist or is outdated for a particular airport, an airport layout plan may be used with the acceptance of the Division of Aeronautics.[9]

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

ALUCP Airport Activity Forecasts

In addition to the requirement that an *ALUCP* be based upon the adopted airport master plan or state-approved airport layout plan, the Public Utilities Code says that an *ALUCP* must reflect "the anticipated growth of the airport during at least the next 20 years."[11] Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

> "For compatibility planning, however, 20 years may be shortsighted. For most airports, a lifespan of more than 20 years can reasonably be presumed. Moreover, the need to avoid incompatible land use development will exist for as long as an airport exists. Once development occurs near an airport, it is virtually impossible—or, at the very least, costly and time consuming—to modify the land uses to ones that are more compatible with airport activities."[12]

Chapters 4 through 5 describe the activity forecasts upon which the *ALUCPs* for Chowchilla Municipal and Madera Municipal Airports are based.

ALUCP Implementation Requirements

Relationship of the ALUC to County and City Governments of Madera County

The fundamental relationship between the *ALUC* and the governments of Madera County and the cities affected by this *ALUCP* is set by the Public Utilities Code. For the most part, *ALUCs* act independently from the local land use jurisdictions. The *ALUC* is not simply an advisory body for the Board of Supervisors or City Councils in the manner that their respective planning commissions are. Rather, the *ALUC* is an autonomous agency and is more equivalent to the Madera County Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the *ALUC* are final and are independent of the Madera County Board of Supervisors or City Councils. The

[9] *Public Utilities Code Section 21675(a).*
[10] *Public Utilities Code Section 21676(c).*
[11] *Public Utilities Code Section 21675(a).*
[12] *Handbook*, p. 3-5.

ALUC does not need county or city approval in order to adopt this *ALUCP* or to carry out *ALUC* land use project review responsibilities. The *ALUC* must, however, consult with the involved agencies when establishing *Airport Influence Area* boundaries.[13]

The responsibility for implementation of the *ALUC*-adopted *ALUCP*, however, rests with the affected local agencies. The Government Code establishes that each county and city affected by an *ALUCP* must make its general plan and any applicable specific plans consistent with the *ALUC's* compatibility plan.[14] Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code and described later in this chapter to overrule the *ALUC* policies.[15]

The other responsibility of local agencies is to refer their plans and certain other proposed land use actions to the *ALUC* for review so that the *ALUC* can determine whether those actions are consistent with its *ALUCP*. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be referred to the *ALUC*. However, other actions, such as those associated with individual development proposals, are subject to *ALUC* review only until such time as the agency's general plan and specific plans have been made consistent with the *ALUC's* plan or the agency has overruled the *ALUC*.[16]

General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an *ALUC's* planning area to modify its general plan and any affected specific plans to be consistent with the *ALUCP*. The law says that the local agency must take this action within 180 days of when the *ALUC* adopts or amends its plan.[17] The only other course of action available to local agencies is to overrule the *ALUC* using the process outlined in the next section.

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

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

Compatibility planning issues can be reflected in a general plan in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.

[13] *Public Utilities Code Section 21675(c).*
[14] *Government Code Section 65302.3.*
[15] *Public Utilities Code Section 21676.*
[16] *Public Utilities Code Section 21676.5(a).*
[17] *Government Code Section 65302.3(b).*

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

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

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

Overruling ALUC Decisions

If an *ALUC* has determined that a local agency's general plan is inconsistent with the *ALUCP* and the local agency wishes to adopt the general plan anyway, then it must overrule the *ALUC*. The statutes are explicit in defining the steps involved in the overrule process. This same process also applies if the local agency intends to overrule the *ALUC* with regard to a finding of inconsistency on proposed adoption or approval of a specific plan, zoning ordinance or building regulation; or an airport master plan; or an individual development proposal for which *ALUC* review is mandatory.[18] The steps that a local agency must take to overrule the *ALUC* are set by state law and court decisions and summarized below. Further discussion is contained in the *Handbook*.

Specific Findings by Local Agency—When overruling the ALUC, the *Local Agency* must make specific findings that the proposed *Action* is consistent with the purposes of the *ALUC* statutes as set forth in Public Utilities Code Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the *Local Agency* must make specific findings that the proposed project will not:

- Impair the orderly, planned expansion of the airport;

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

- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
- Expose the public to excessive noise and safety hazards.

Notification and Voting Requirements—In accordance with the *ALUC* statutes, the *Local Agency* must do all of the following:

- Provide to the *ALUC* and the California Division of Aeronautics a copy of the proposed decision and findings to *Overrule* the *ALUC* at least 45 days prior to the hearing date.
- Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
- Include in the public record of any final decision to *Overrule* the *ALUC* any comments received from the *ALUC*, California Division of Aeronautics, Federal Aviation Administration (FAA), or public.
- Make a decision to *Overrule* the *ALUC* by a two-thirds vote of its governing body.

Liability—The *ALUC* statutes indicate that if a *Local Agency* other than the *Airport* owner *Overrules* the *ALUC*, the agency owning and operating the airport "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the *Local Agency's* decision to *Overrule* the *ALUC's* compatibility determination or recommendation" [19]

COMPATIBILITY PLANNING IN MADERA COUNTY

Madera County ALUC

The Madera County Planning Commission plus two aviation experts function as the *Madera County Airport Land Use Commission* (*ALUC*). The Madera County Planning Director serves as the *ALUC* secretary with support from department staff.

The *ALUC* is responsible for preparing and adopting the *ALUCP* for Chowchilla and Madera Municipal Airports. This *ALUCP* replaces an earlier plan—Airport Land Use Compatibility Plan, Madera County Airports—which the *ALUC* adopted for the airports in 1993.

Airport Plans for Madera County Airports

The two airports addressed by this *ALUCP* are both public-use general aviation facilities. In accordance with state law, the current and planned physical features and operational characteristics of each airport having implications for land use compatibility have been taken into account in the preparation of this *ALUCP*. The aeronautical factors upon which this *ALUCP* is based are summarized in Chapters 4 and 5.

[19] See *Public Utilities Code Sections 21678* and *21675.1(f)*.

ALUCP Development Process

As required by California state law, the *Handbook* provides guidance for the compatibility policies set forth in this *ALUCP*. The *Handbook* was used both to structure and define compatibility criteria and to establish the procedures to be followed by the *ALUC* and local agencies in implementation of the criteria.

The aeronautical data serving as the foundation of this *ALUCP* is based upon airport layout plans showing existing and proposed airport improvements over the requisite 20-year planning timeframe. With respect to aircraft activity projections, the *ALUCP* again relies upon data obtained from each airport regarding historic, current, and projected operations.

Additionally, a Technical Advisory Group was established specifically for the *ALUCP* update project. The group's primary membership consisted of Madera County/*ALUC* staff, representatives from each of the two public-use airports covered by this plan (Chowchilla Municipal and Madera Municipal Airports), and planning staff from the Cities of Chowchilla and Madera.

The Technical Advisory Group assisted with providing airport and land use data, reviewing discussion papers and draft materials, and providing technical input for consideration in the administrative draft plan. Additionally, the group was charged with keeping their respective local jurisdictions informed of the *ALUCP* Update progress.

ALUCP Contents

This *ALUCP* is organized into five chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for Madera County in particular. Chapters 2 and 3 present *ALUC* procedural policies and compatibility policies applicable uniformly to each airport. Chapters 4 and 5 present airport and land use background information regarding each of the airports in alphabetical sequence.

Also included in this document are a set of appendices containing a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is mostly taken from other sources and does not represent *ALUC* policy except where cited as such in Chapters 2 through 4.

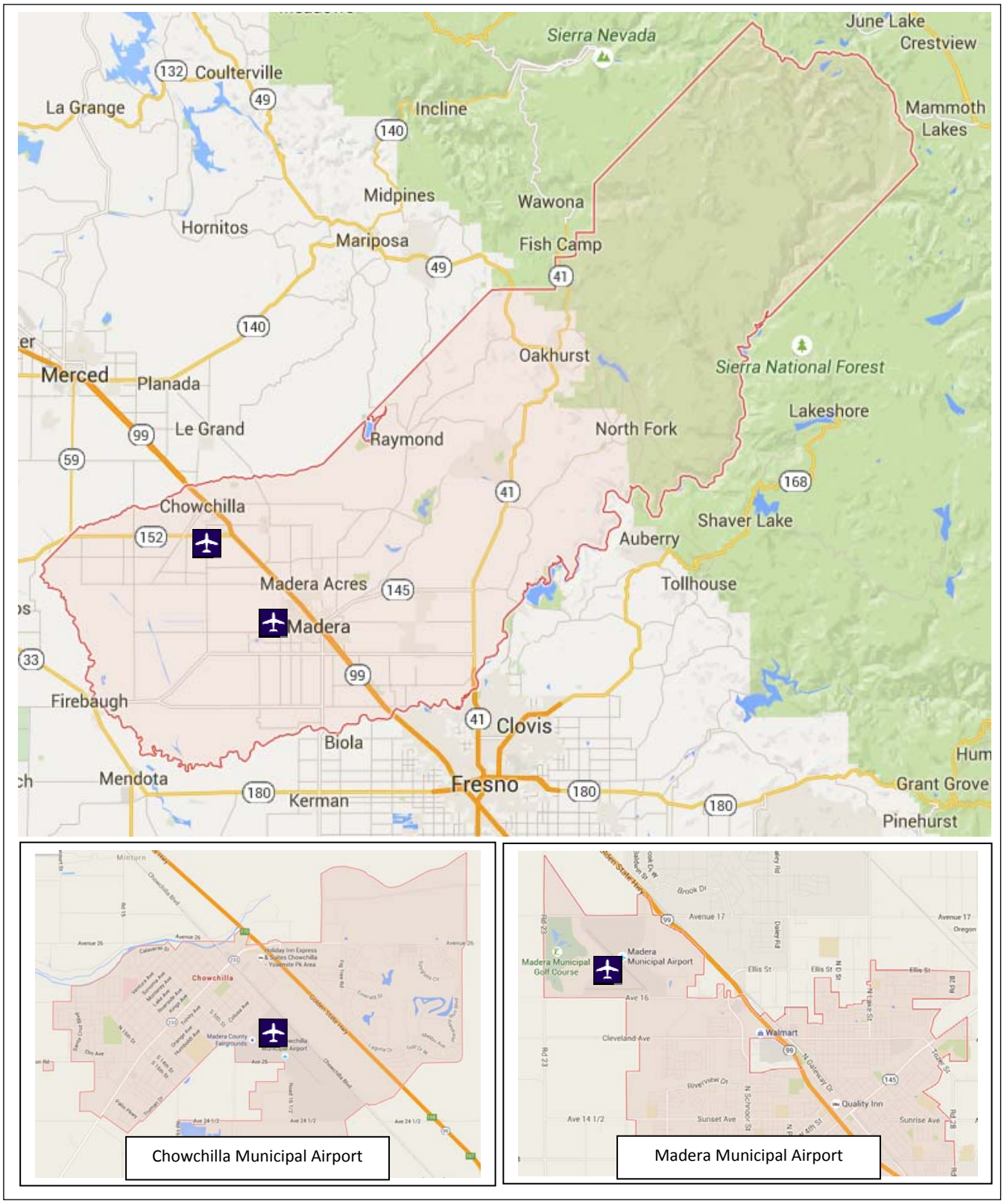

Exhibit 1A

Location Map

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CHAPTER 2

Procedural Policies

2

Procedural Policies

1. General Applicability

1.1. Definitions

The following definitions apply for the purposes of the policies set forth in this *ALUCP*. In addition, general terms pertaining to airport and land use planning are defined in the *Glossary* (Appendix F).

1.1.1. *Actions/Projects/Proposals:* Terms similar in meaning and all referring to the types of airport and land use planning and development activities (permanent or temporary), either publicly or privately sponsored, that are subject to the provisions of this *ALUCP*. Other terms with similar meaning include *Land Use Actions* and *Airport Actions.*

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

1.1.3. *Airport:* The Chowchilla Municipal Airport, Madera Municipal Airport or any new public-use or military airport that may be created within Madera County.

1.1.4. *Airport Influence Area/Referral Area:* An area, as delineated herein, in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The *Airport Influence Area* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with the policies herein.

1.1.5. *Airport Land Use Commission (ALUC):* The Madera County Planning Commission plus two aviation experts, or a legally established successor agency, acting in its capacity as the *ALUC* for Madera County. The *ALUC* is an autonomous entity whose decision-making powers are independent of the County Board of Supervisors. The *ALUC* is established in accordance with the mandates of the California State Aeronautics Act.[1] The Madera County Planning Department serve as the *ALUC* staff.

1.1.6. *Airport Land Use Commission Secretary:* The Madera County Planning Director or a person designated by the Director with the concurrence of the *ALUC* Chairperson.

[1] *Public Utilities Code Section 21670.1.*

1.1.7. *Airport Proximity Disclosure:* A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an *Airport* and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the *Airport*. See Policy 3.6.2 for applicability. Also see Policy 1.1.25 for a related buyer awareness tool, *Recorded Overflight Notification*.

1.1.8. *Airspace Protection Surfaces/Plans/Zones:* Imaginary surfaces in the airspace surrounding an *Airport* defined in accordance with criteria set forth in Federal Aviation Regulations Part 77.[2] These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of an *Airpor*t. The *Airspace Protection Surfaces* are depicted in the *Airspace Protection Plan* for the *Airports* addressed by this *ALUCP* and are presented in Chapter 3.

1.1.9. *ALUCP/Compatibility Plan:* This document, the *Madera County Airport Land Use Compatibility Plan (ALUCP).*

1.1.10. *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, but are not limited to, runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc. Hotels or other commercial/industrial facilities on airport property do not qualify as an *Aviation-Related Use*.

1.1.11. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees, etc. (see Policy 3.7.1).

1.1.12. *Community Noise Equivalent Level (CNEL):* The noise metric adopted by the State of California for land use planning purposes, including describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same *CNEL* value.

1.1.13. *Compatibility Zone:* Any of the zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* in Chapter 3 for the purposes of assessing land use compatibility within the *Airport Influence Area* defined herein (See Policy 3.2.3).

1.1.14. *Density:* The number of dwelling units per acre. *Density* is used in this *ALUCP* as the measure by which proposed residential development is evaluated for compliance with noise and safety compatibility criteria. *Density* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.19 for definition of nonresidential *Intensity*.

1.1.15. *Existing Land Use:* A land use that either physically exists or for which *Local Agency* commitments to the proposal have been obtained entitling the project to move forward (see Policy 1.5.3).

[2] Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions. Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of the Federal Aviation Regulations Part 77 is available at www.ecfr.gov)

1.1.16. *Existing Nonconforming Use:* An *Existing Land Use* that does not comply with the compatibility criteria set forth in this *ALUCP*. See Policies 1.5.3(d) and 3.7.2 for criteria applicable to *Land Use Actions* involving *Nonconforming Uses*.

1.1.17. *Federal Aviation Regulations Part 77:* The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions (see Section 3.5). Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of Federal Aviation Regulations Part 77 is available at www.ecfr.gov; also see *Glossary*).

1.1.18. *Handbook:* The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics in October 2011. The *Handbook* provides guidance to *ALUCs* for the preparation, adoption, and amendment of *ALUCPs*.

1.1.19. *Intensity:* The number of people per acre. *Intensity* is used in this *ALUCP* as the measure by which most proposed *Nonresidential Development* is evaluated for compliance with safety compatibility criteria. Sitewide average *Intensity* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.14 for definition of residential *Density*.

1.1.20. *Local Agency:* Any county, city, or other local governmental entity such as a special district, school district, or community college district—including any future city or district—having any jurisdictional territory lying within the *Airport Influence Area* as defined by this *ALUCP*. These entities are subject to the provisions of this *ALUCP* (see Section 1.4).

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

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

1.1.23. *Overrule:* An action that a *Local Agency* can take in accordance with provisions of state law if the *Local Agency* wishes to proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, approval or modification of a facility master plan, or modification of an airport master plan[3] affecting the *Airport Influence Area* in spite of an *ALUC* finding that the *Action* is inconsistent with this *ALUCP*. See Section 2.5 for process required to *Overrule* the *ALUC*.

1.1.24. *Reconstruction*: The rebuilding of an *Existing Nonconforming* structure that has been fully or partially destroyed as a result of a calamity (not planned *Reconstruction* or *Redevelopment*). See Policy 3.7.3 for development conditions associated with *Reconstruction* projects.

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

1.1.25. *Recorded Overflight Notification:* A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *Avigation Easement* (see Policy 1.1.11), a *Recorded Overflight Notification* does not convey property rights from the property owner to the *Airport* and does not restrict the height of objects. See Policy 3.6.1 for applicability. Also see Policy 3.6.2 for a related buyer awareness tool, *Airport Proximity Disclosure*.

1.1.26. *Redevelopment:* Any new construction that replaces the existing use of a site, particularly at a *Density* or *Intensity* greater than that of the *Existing Land Use*. *Redevelopment* projects are subject to the provisions of this *ALUCP* to the same extent as other forms of proposed development. A new use proposed within an existing facility is not considered *Redevelopment* and is not subject to this *ALUCP*, unless discretionary action by the *Local Agency* (e.g., general plan/zoning amendment, additional parking) is required.

1.1.27. *Risk-Sensitive Land Uses:* Land uses that represent special safety concerns irrespective of the number of people associated with the use (see Policy 3.4.8). Specifically: uses with vulnerable occupants; hazardous materials storage; or critical community infrastructure.

1.2. ALUCP Overview

1.2.1. *ALUC*: The Madera County Planning Commission plus two aviation experts designated as the *ALUC* for Madera County in accordance with the provisions of California State law.[4]

1.2.2. *ALUCP:* With limited exceptions, California law requires an *ALUCP* for each public-use and military airport in the state. The basic purpose of this document, the *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)*, is to establish the procedures and criteria applicable to airport land use compatibility planning in the vicinity of Chowchilla Municipal Airport and Madera Municipal Airport or any new public-use or military airport that may be established within Madera County. The *ALUCP* is prepared in accordance with the requirements of the California State Aeronautics Act[5] and guidance provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation, Division of Aeronautics in October 2011.

1.2.3. *Effective Date:* The policies herein are effective as of the date that the *ALUC* adopts the *ALUCP*.

(a) The effective date of this *ALUCP* is: [adoption date to be inserted]

(b) The previous *ALUCP* for the *Airports*—referred to as the *Airport Land Use Compatibility Plan, Madera County Airports*—was adopted by the *ALUC* in December 1993. The 1993 plan shall remain in effect until the *ALUC* adopts this *ALUCP*.

(c) Any project or phase of a project that has received *Local Agency* approvals sufficient to qualify it as an *Existing Land Use* (see Policies 1.1.15 and 1.5.3) prior to the date of the *ALUC's* adoption of this *ALUCP* shall not be required to comply with the policies herein. Rather, the policies of the 1993 plan shall apply.

1.2.4. *Use by ALUC:* The *ALUC* shall:

[4] *Public Utilities Code Section 21670.1.*
[5] *Public Utilities Code Section 21670 et seq.*

(a) Formally adopt this *ALUCP*.[6]

(b) When a *Local Agency* refers a *Land Use Action or Airport Action* to the *ALUC* for review as provided by Section 2.1, make a determination as to whether such *Action* is consistent with the criteria set forth in this *ALUCP*.

1.2.5. *Fees:* Fees shall be established by the *ALUC* for the purpose of defraying costs of providing *ALUC* services.[7] Any fees established by the *ALUC* shall be reviewed annually by the *ALUC* or upon recommendation of the *ALUC Secretary*, and adjusted as necessary.

1.2.6. *Examples:* Where an example is used in this *ALUCP*, such example or examples are provided for purposes of illustration only and any such example or set of examples are not intended nor shall such be construed as an exhaustive list of the subject matter to which it corresponds.

1.3. Geographic Scope

1.3.1. *Airport Influence Area*: The *Airport Influence Area* addressed by this *ALUCP* encompasses all lands on which the uses could be negatively affected by current or future aircraft operations at the *Airport* as well as lands on which the uses could negatively affect airport usage and thus necessitate restriction on those uses.[8]

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

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

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

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

(4) Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.

(b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the *ALUC* shall consider in reviewing land use projects.

1.3.2. *Airport Growth Assumptions:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* reflects the existing configuration of the *Airport*, planned airport expansion and projected aircraft activity covering the requisite 20-year planning horizon.[9] Chapters 4 and 5 document the aeronautical assumptions upon which this *ALUCP* is based for Chowchilla Municipal Airport and Madera Municipal Airport, respectively.

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

[7] *Public Utilities Code Section 21671.5(f)* allows for ALUCs to charge fees for project reviews.

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

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

1.3.3. *Referral Area:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with this *ALUCP*. See Section 2.1 for the types of *Actions* subject to *ALUC* review.

1.4. ALUCP Implementation Responsibilities for Affected Local Agencies

1.4.1. *Affected Local Agencies:* The policies of this *ALUCP* shall apply to each of to the following *Local Agencies* (see Policy 1.1.20) in Madera County having jurisdiction over lands within all or parts of an *Airport Influence Area* defined by this *ALUCP;* specifically:

(a) County of Madera.

(b) Cities of Chowchilla and Madera.

(c) Any existing or future special districts, school districts, or community college districts within Madera County to the extent that the district boundaries extend into an *Airport Influence Area*.

(d) Any future city within Madera County that may be incorporated within an *Airport Influence Area*.

1.4.2. *Attain Consistency with the ALUCP:* Affected *Local Agencies* shall modify their respective general plans, applicable specific plan(s), zoning ordinance and building regulations to be consistent with the policies and criteria set forth in this *ALUCP*.[10]

1.4.3. *Referring Land Use Actions*: Affected *Local Agencies* shall refer the *Land Use Actions* specified in Section 2.1.

1.4.4. *ALUCP Consistency Evaluations of Land Use Actions:* Except those *Land Use Actions* requiring *ALUC* review as specified in Section 2.1, affected *Local Agencies* shall conduct their own consistency evaluations for individual development projects proposed for sites within an *Airport Influence Area* by utilizing the *ALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan and zoning ordinance. The *Local Agency* and its staff are responsible for ensuring that a development continues to comply with *ALUCP* criteria on an on-going basis following completion of the project (i.e., usage *Intensity* and height limitations in particular).

1.4.5. *Referral of Airport Actions:* Public or private entities owning an existing *Airport* or proposing to construct a new public or private airport or heliport shall refer the *Airport Actions* specified in Section 2.1.

1.4.6. *Use by Districts:* Special districts, school districts, and community college districts shall apply the policies of this *ALUCP* when creating facility master plans and making other planning decisions regarding the proposed development of lands under their control (i.e., through land acquisition or lease) with the *Airport Influence Area*.

1.4.7. *Referencing ALUCP in CEQA Documents:* Affected *Local Agencies* preparing an environmental document for any project within the *Airport Influence Area* shall address the compatibility criteria contained in this *ALUCP* in addition to referencing guidance from the *Handbook*.[11]

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[10] *Public Utilities Code Section 21676(a)* specifically requires general plan consistency. Because specific plans and zoning ordinances are also subject to *ALUC* review, the consistency requirement also extends to them.

[11] The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an *Airport Influence Area* to evaluate whether the project would expose people residing or working in the project area to excessive

1.5. Limitations of the ALUC and this ALUCP

1.5.1. *Airport Operations:* In general, neither the *ALUC* nor this *ALUCP* have authority over the planning and design of on-airport facilities or over *Airport* operations including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.[12] Exceptions to this limitation are as follows:

(a) State law requires *ALUC* review of airport master plans and certain *Airport* expansion plans to the extent that future *Airport* activities could have off-airport land use compatibility implications (see Policy 2.1.4).[13]

(b) Nonaviation development of *Airport* property is subject to the *ALUCP* criteria in the same manner that *Land Use Actions* involving off-airport property are required to be consistent with the *ALUCP* criteria.

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

1.5.3. *Existing Land Uses:* The policies of this *ALUCP* do not apply to *Existing Land Uses*.[14] A land use is considered to be "existing" when one or more of the below conditions has been met prior to the adoption date of this *ALUCP* by the *ALUC*.

(a) Qualifying Criteria: An *Existing Land Use* is one that either physically exists or for which certain *Local Agency* commitments to the proposal have been obtained. For the purposes of this *ALUCP,* the *ALUC* considers the following *Land Use Actions* to have a vested right to proceed with the development:[15]

(1) A valid building permit has been issued and not yet expired;

(2) A development agreement has been approved and remains in effect;

(3) A use permit (e.g., conditional use permit) has been approved and not yet expired;

(4) A vesting tentative map has been approved and not yet expired;

(5) A tentative map (subdivisions creating 5 or more parcels or condominiums) or parcel map have been approved and not yet expired; and

(6) A final subdivision map has been recorded.

(b) Expiration of *Local Agency* Commitment: If a *Local Agency*'s commitment to a development proposal, as set forth in Paragraph (a) of this policy, expires, the proposal will no longer qualify as an *Existing Land Use*. As such, the proposal shall be subject to the policies of this *ALUCP*.

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levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096). In the preparation of such environmental documents, the law specifically requires that the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautic be utilized as a technical resource.

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

[13] See *Public Utilities Code Sections 21676(c) and 21664.5*.

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

[15] Vested means "the irrevocable right to complete construction notwithstanding an intervening change in the law that would otherwise preclude it." ([*McCarthy v. California Tahoe Regional Planning Agency*, (1982) 129 Cal.App.3d 222, 230 (1982).)]. According to the California Supreme Court, the right to develop becomes vested when all discretionary approvals for a project have been obtained and only ministerial (administrative) approvals remain [*AVCO Community Developers, Inc. v. South Coast Commission*, 17 Cal.3d 785, 791 (1976)]. Determination of what is a ministerial action varies by *Local Agency*.

(c) Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *ALUCP* criteria established in Section 3 in Chapter 3.

(d) *Existing Nonconforming Uses*: The *ALUC* has no authority over *Existing Nonconforming Uses* nor the ability to compel *Local Agencies* to reduce or remove *Existing Nonconforming Uses* from the airport environs. Proposed changes to uses within existing structures are subject to the *ALUCP* criteria if the changes require discretionary action by the *Local Agency* and would result in an increased nonconformity with the compatibility criteria (see Policy 3.7.2). Proposed *Redevelopment* (see definition in Policy 1.1.26) is, however, subject to conformance with the *ALUCP* criteria the same as new development.

(e) Determination: The *ALUC* shall make the determination as to whether a specific project meets the qualifying criteria set forth in Paragraph (a) of this policy. Once the *ALUC* finds that a *Local Agency's* general plan is consistent with the *ALUCP*, this determination shall be made by the *Local Agency*.

1.5.4. *Development by Right*:

(a) Nothing in this *ALUCP* prohibits:

(1) Construction of a single-family home on a legal lot of record as of the date of adoption of this *ALUCP* provided that the home is not within *Compatibility Zone A* and the use is permitted by local land use regulations.

(2) Construction of a secondary unit as defined by state law and local regulations.

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

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

1.5.5. *Submittal of Environmental Documents:* The *ALUC* does not have a formal responsibility to review the environmental document associated with *Land Use Actions* or *Airport Actions* referred to it for review. If an environmental document has been prepared at the time that a *Land Use Action* or *Airport Action* is referred for review and the document contains information pertinent to the review, then a copy should be included with the referral (see Policy 2.3.1).

2. ALUC REFERRAL/REVIEW PROCESS

2.1. Actions Subject to ALUC Review

2.1.1. *Land Use Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Land Use Actions*, the *Local Agency* always must refer the *Land Use Action* to the *ALUC* for determination of consistency with this *ALUCP*:

(a) *Local Agency* adoption or approval of any new general plan, specific plan, or facility master plan or any amendment thereto that affects lands within the *Airport Influence Area*.[16]

(b) *Local Agency* adoption or approval of a zoning ordinance or building regulation, including any proposed change to any such ordinance or regulation, that (1) affects land within the *Airport Influence Area* and (2) involves the types of airport impact concerns listed in Policy 1.3.1(a). [17] For example, a zoning code change modifying building setback requirements would not require a consistency review by the *ALUC*.

(c) Amendments to general plans, specific plans, zoning ordinance or building regulation that have general applicability throughout the community or specifically to lands within an *Airport Influence Area* require formal review and action by the *ALUC*.

(d) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide formal consistency determinations on *Land Use Actions* involving parcel-specific amendments (e.g., land use designation change associated with a development proposal).

2.1.2. *Interim Mandatory Referral of Disputed Land Use Actions:* Until such time a *Local Agency* either makes its general plan or specific plan consistent with the *ALUCP* or *Overrules* the *ALUC*, the *Local Agency* must refer all *Land Use Actions,* including individual development proposals, wherein there is a dispute regarding a proposed project's compatibility with *Airport* activities.*[18]*

(a) The *ALUC* will mediate disputes that cannot be resolved by the *Local Agency*.

(b) The *ALUC* will review matters appealed to it by the *Local Agency*, project applicant, *Airport* owner, or other interested party or public.

(c) When acting on a disputed *Land Use Action*, the *ALUC* shall hold a public hearing and issue formal findings on the disputed *Land Use Action* by majority vote.

2.1.3. *Voluntary Referral of Land Use Actions:* A *Local Agency* may voluntarily refer an *Action* or individual development proposal to the *ALUC* involving a question of compatibility with *Airport* activities for informal review and comment.[19]

(a) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide comments on all *Actions* referred to the *ALUC* on a voluntary basis.

(b) Because the *ALUC* review of *Actions* referred on a voluntary basis does not represent a formal consistency determination as is the case with *Actions* referred under Policies 2.1.1, 2.1.2 or 2.1.4, *Local Agencies* are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the *ALUC*.

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

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

[18] *Public Utilities Code Section 21676(b)* allows *ALUCs* to require *Local Agencies* to refer "all actions, regulations, and permits" involving lands within an *Airport Influence Area* to the *ALUC* for review until such time that the *Local Agency* amends its general plan or specific plan to be consistent with the *ALUCP* or *Overrules* the *ALUC*. The *ALUC* for Madera County has opted to reduce this all-inclusive list to just those *Actions* always requiring *ALUC* review (see Policies 2.1.1 and 2.1.4). However, the *ALUC* statutes also require *ALUCs* to "assist local agencies" in ensuring compatible land uses within an *Airport Influence Area*. Therefore, during this interim period before the *Local Agency* attains general plan or specific plan consistency with this *ALUCP* or *Overrules* the *ALUC*, the *ALUC* for Madera County will mediate disputes arising from the adoption or approval of an individual development proposal by a *Local Agency*.

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

2.1.4. *Airport Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Airport Actions*, the *Local Agency* owning the *Airport* always must refer the *Airport Action* to the *ALUC* for determination of consistency with this *ALUCP:*

(a) Adoption or modification of a master plan (see Sections 2.4 and 4).[20]

(b) Any proposal for "expansion" of the *Airport* not reflected in Chapters 4 and 5 of this *ALUCP* if such expansion will require an amended Airport Permit from the State of California (see Sections 2.4 and 4.1). As used in the statutes, "expansion" primarily includes construction of a new runway, extension, or realignment of an existing runway, or related acquisition of land.[21]

(c) Any proposal for a new *Airport* or heliport whether for public use or private use must be submitted for *ALUC* review if the facility requires a State Airport Permit (see Sections 2.4 and 4.2).[22]

2.2. General Referral Requirements

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

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

(b) Completion of a formal application with the *Local Agency* is not required prior to a *Local Agency*'s referral of a proposed *Land Use Action* or *Airport Action* to the *ALUC*. Rather, a project applicant may request, and the *Local Agency* may refer, a proposed *Action* to the *ALUC* for early review, so long as the *Local Agency* is able to provide the *ALUC* with the project submittal information for the proposal, as specified and required in Policies 2.3.1 and 2.4.1 of this *ALUCP*.

2.2.2. *Public Input:* Where applicable, the *ALUC* shall provide public notice and obtain public input before acting on any *Land Use Action* or *Airport Action* under consideration.[23]

2.3. Review Process for Land Use Actions

2.3.1. *Required Submittal Information for Land Use Actions:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment shall be submitted to the *ALUC*. Any supporting material, such as environmental documents, assessing the proposal's consistency with the *ALUCP* should be included. As indicated in Policy 1.5.5,

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

[21] *Public Utilities Code Section 21664.5.*

[22] Required by *Public Utilities Code Section 21661.5. Airports* and heliports requiring state permits are defined in *California Code of Regulations Title 21 Sections 3525 through 3560.*

[23] *Public Utilities Code Section 21675.2(d). Section 3.7.2 recommends following the notice procedures applicable to general plans; specifically Government Code Sections 65090, 65091 and 65353. Generally, notice must be sent to each affected property owner unless mailing of more than 1,000 such notices would be required. In this case, notice may be published in a newspaper of general circulation serving the affected area.*

the *ALUC* does not have a formal responsibility to review an environmental document associated with a *Land Use Action* referred to the *ALUC*. However, if the environmental document contains information pertinent to the *ALUC's* consistency review, then a copy should be included with the referral to enable the *ALUC* to make a consistency determination of the referred *Land Use Action*.

2.3.2. *Consistency Reviews by ALUC:*

(a) Initial General Plan Consistency*:* In conjunction with the adoption or amendment of this *ALUCP*, the *ALUC* shall review the general plans and specific plans of affected *Local Agencies* to determine their consistency with the *ALUC*'s policies. State law[24] requires that, within 180 days of the *ALUC*'s adoption or amendment of this *ALUCP*, each *Local Agency* affected by the plan must amend its general plan and any applicable specific plan(s) to be consistent with the *ALUCP* or, alternatively, provide required notice, adopt findings, and *Overrule* the *ALUC* in accordance with statutory requirements.[25]

(b) *Land Use Actions*: Except as provided by Paragraph 2.1.1(d), a proposed *Land Use Action* referred to the *ALUC* on a mandatory basis (those listed in Policies 2.1.1, 2.1.2, and 2.1.4) shall require a formal consistency determination by the *ALUC*.

(1) The *ALUC Secretary* shall review the proposal to determine if it is consistent with the *ALUCP* policies.

(2) The *Land Use Action* shall be placed on the *ALUC* agenda for action.

(c) *ALUC Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP*, the *ALUC* has three choices of action:

(1) Find the proposed *Land Use Action* consistent with the *ALUCP*. To make such a finding with regard to a plan, ordinance or regulation the conditions identified in Section 3.1 must be met. For parcel-specific amendments, the conditions identified in Section 3.2 must be met.

(2) Find the proposed *Land Use Action* consistent with the *ALUCP*, subject to conditions and/or modifications that the *ALUC* may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.

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

2.3.3. *Consistency Reviews by ALUC Secretary:*

(a) The *ALUC* delegates to the *ALUC Secretary* the following:

(1) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide a formal consistency determination on *Land Use Actions* involving parcel-specific amendments (see Paragraph 2.1.1(d)).

(2) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide informal comments on *Land Use Actions* forwarded to the *ALUC* on a voluntary basis (see Policy 2.1.3).

[24] *Government Code Section 65302.3.*
[25] *Public Utilities Code Section 21676(b).*

(3) Informal input from the *ALUC Secretary* may be sought prior to formal or voluntary submittal of a proposed *Action* to the *ALUC*.

(b) When reviewing a proposed *Land Use Action* requiring a formal consistency determination by the *ALUC Secretary* (see Paragraphs 2.1.1(d) and 2.3.3(a)(1)), the *ALUC Secretary* shall:

(1) Consult with the manager of the airport.

(2) Make its determinations in writing and describe the consistency analysis and the basis for the determination.

(3) Forward projects that are controversial or complex to the *ALUC* for a consistency determination.

(4) Provide to the *ALUC* a list of all projects reviewed and the determination made by the *ALUC Secretary*.

(c) *ALUC Secretary's Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP* as required by Paragraphs 2.1.1(d) and 2.3.3(a)(1), the *ALUC Secretary* has three choices of action:

(1) Find the project consistent with the *ALUCP*.

(2) Find the project consistent with the *ALUCP*, subject to compliance with such conditions as the *ALUC Secretary* may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).

(3) Find that the project may be inconsistent with the *ALUCP* or has certain compatibility complexities requiring review by the *ALUC*. The *ALUC Secretary* shall forward any such project to the *ALUC* for a consistency determination.

(d) Appeal of *ALUC Secretary's Action:* The affected *Local Agency*, project applicant, *Airport* owner, or other interested party may appeal to the *ALUC* a consistency determination made by the *ALUC Secretary* on a *Land Use Action* involving parcel-specific amendments reviewed in accordance with Policy 2.1.1(d). The *ALUC* shall then review the proposed *Land Use Action*, the *ALUC Secretary*'s determination, and information supporting the appeal and make a final determination regarding the proposed *Land Use Action*'s consistency with the *ALUCP*. Any appeal of the *ALUC Secretary*'s determination must be submitted within 10 days of the date when the determination was issued.

2.3.4. *Response Time:*

(a) Reviews by the *ALUC* shall be completed within 60 days from the date of referral.[26]

(b) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.1(d) shall be completed within 14 days of the date of referral.

(c) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.3 shall be completed on a timeline negotiated with the *Local Agency*.

(d) Reviews of projects forwarded or appealed to the *ALUC* for a consistency determination shall be completed within 60 days of the date of the request or appeal.[27]

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

[27] For *Major Land Use Actions*, this 60-day limit is not a statutory requirement, but is set by the *ALUC* to be consistent with Policy 2.3.3 and *Public Utilities Code Section 21676(d)* regarding general plans, specific plans, zoning ordinances, and building regulations.

(e) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.3.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

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

(g) If the *ALUC* or *ALUC Secretary* fail to make a consistency determination within the above noted time period, the proposed *Action* shall be deemed consistent with the *ALUCP*.[28] Regardless of *ALUC* action or failure to act, the proposed *Action* must comply with other applicable local, state, and federal regulations and laws.

2.4. Review Process for Airport Actions

2.4.1. *Required Submittal Information for Airport Actions:* An airport master plan for an existing or new *Airport* or heliport or an airport expansion plan for an existing *Airport* referred to the *ALUC* for review shall contain sufficient information to enable the *ALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of *Airport* activity upon surrounding land uses.

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

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

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

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

- Airport property and avigation easement boundaries;
- Runways or helicopter takeoff and landing areas; and
- Runway or helipad protection zones.

(2) A revised map of the *Airspace Protection Surfaces* as defined by Federal Aviation Regulations Part 77 if the proposal would result in changes to these surfaces. The *Airspace Protection Surfaces* for Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5.

(3) Updated activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction. The effects of the proposed development on the aircraft activity forecasts indicated in Chapters 4 and 5 of this *ALUCP* should be described.

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

(4) Aircraft or helicopter approach/departure flight routes. Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapters 4 and 5 of this *ALUCP* should be described.

(5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or airport expansion plan.

(6) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors depicted in the airport exhibits presented in Chapters 4 and 5.

2.4.2. *ALUC Action Choices for Airport Actions:* When reviewing a proposed new or revised airport master plan or proposed airport expansion plans for Chowchilla Municipal Airport or Madera Municipal Airport, the *ALUC* has three action choices (see Policy 4.1.1 for policies pertaining to the substance of the *ALUC* review of plans for existing *Airports*):

(a) Find the proposed *Airport Action* consistent with the *ALUCP*.

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

(c) Find the proposed *Airport Action* inconsistent with the *ALUCP* as the *Airport* plan does not adequately address aeronautical impacts of *Airport* proposals on adjacent land uses (e.g., noise and safety hazards).

2.4.3. *ALUC Action Choices for Plans of New Airports or Heliports:* When reviewing proposals for new public use or private use airports or heliports, the *ALUC* has two action choices (see Policy 4.2.1 for policies pertaining to the substance of the *ALUC* review of plans for new *Airports*):

(a) Approve the proposal as being consistent with the specific review criteria listed in Section 4.2 and, if required, either adopt an *ALUCP* for that facility or establish the intent to do so at a later date. State law requires adoption of an *ALUCP* if the airport or heliport will be a public-use facility.[29]

(b) 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.

2.4.4. *Response Time:* The *ALUC* must respond to the referral of an airport master plan or expansion plan within 60 days from the date of referral.[30]

(a) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.4.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

(b) If the *ALUC* fails to make a determination within the specified period, the proposed *Airport Action* shall be deemed consistent with the *ALUCP*. [31]

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

(d) The *Airport* owner shall be notified of the *ALUC*'s action in writing.

[29] *Public Utilities Code Section 21675(a).*
[30] *Public Utilities Code Section 21676(d).*
[31] *Public Utilities Code Section 21676(d).*

2.5. ALUC Role For Local Agency Overrules

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

2.5.2. *Overruling of ALUC by Local Agency:* If a *Local Agency* wishes to proceed with a proposed *Land Use Action* or *Airport Action* that the *ALUC* has determined to be inconsistent with the *ALUCP*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *ALUC* determination in accordance with the provisions of state law.[32] See Chapter 1 for the steps that a *Local Agency* must take to overrule the *ALUC*.

2.5.3. *ALUC Comments on Proposed Overruling:* The *ALUC* may provide comments on the proposed overruling decision. The *ALUC* delegates to the *ALUC Secretary* the authority to provide comments.

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

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CHAPTER 3

Compatibility Policies and Maps

3

Compatibility Policies and Maps

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Criteria for Review of General Plans, Specific Plans, Zoning Ordinances, Building Regulations and Facility Master Plans

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 *ALUC*.[33] Zoning ordinances, building regulations and facility master plans must also be consistent with the *ALUCP*. In order for these *Land Use Actions* to be considered consistent with this *ALUCP*, the requirements established in Policies 3.1.2 through 3.1.4 must be accomplished.[34]

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

(a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in **Table 3A**, *Basic Compatibility Criteria*. In addition, conflicts with regard to other compatibility policies (i.e., Policies 3.3 through 3.7)—height limitations in particular—may also 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*.[35]

(c) Proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *ALUCP*. To ensure that *Existing Nonconforming Uses* do not become more nonconforming, general plans or implementing documents must include policies

[33] *Government Code Section 65302.3* states that a county's or city's general plan, and any applicable specific plans, "shall be consistent" with an ALUCP and "shall be amended, as necessary" to be consistent with any amendment of the *ALUCP*.
[34] See Chapter 1 and Appendix C for additional guidance.
[35] This exemption derives from state law, which proscribes *ALUC* authority over *Existing Land Uses*.

setting limitations on expansion and *Reconstruction* of *Nonconforming Uses* located within an *Airport Influence Area* consistent with Policies 3.7.2 and 3.7.3.

(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 approved by the *ALUC* (see Policy 3.4.5).

3.1.3. *Establishment of Review Process: Local Agencies* must define the process they will follow when reviewing individual land use development proposals 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 *ALUC* 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 *ALUC*); and/or

(3) The general plan must indicate that the *Land Use Actions* specified in Section 2.1 shall be submitted to the *ALUC* for review in accordance with the policies of Section 1.4.

3.1.4. *Land Use Conversion:* The compatibility of uses in the *Airport Influence 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 Zones C2* and *D*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) that would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

3.2. Criteria for Review of Proposed Land Uses

3.2.1. *Evaluating Compatibility of Proposed Land Uses:* The compatibility of proposed land uses within the *Airport Influence Area* shall be evaluated in accordance with:

(a) The general policies set forth in Sections 3.3 through 3.7 of this Chapter addressing noise, safety, airspace protection, overflight impacts and special circumstances.

(b) The basic compatibility criteria listed in **Table 3A**, *Basic Compatibility Criteria*.

(c) The compatibility zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* and described in **Table 3B**, *Compatibility Zone Delineation.*

(d) The Federal Aviation Regulations Part 77 airspace surfaces depicted in **Exhibit 4E** and **Exhibit 5E**, in Chapters 4 and 5.

3.2.2. *Compatibility Criteria Table:* **Table 3A**, *Basic Compatibility Criteria* lists general land use categories and indicates each use as being either "normally compatible," "conditional," or "incompatible" depending upon the *Compatibility Zone* 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, Density*, 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 3.3 through 3.6 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 3.7.5).

(b) Land uses not specifically listed in **Table 3A**, *Basic Compatibility Criteria* shall be evaluated using the criteria for similar listed uses.

(c) Multiple land use categories and the compatibility criteria associated with them may apply to a project.

(d) Mixed-use developments shall individually comply with the criteria in **Table 3A**, *Basic Compatibility Criteria*. Mixed-use developments shall be evaluated in accordance with Policies 3.3.4 and 3.4.7.

(e) For details regarding usage *Intensity* and open land criteria indicated in **Table 3A**, *Basic Compatibility Criteria,* see the safety compatibility criteria in Section 3.4.

3.2.3. *Compatibility Policy Map:* The *Compatibility Zones* depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* takes into account all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight.

(a) Chapters 4 and 5 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 proposed projects in a particular *Compatibility Zone*. It also can serve to suggest what types of modifications to the project might make the proposal acceptable given the project's degree of sensitivity

to a particular compatibility factor (for example, knowing that a *Noise-Sensitive Land Use* is in a high-noise area may indicate a need for sound attenuation in the structure, whereas a risk-sensitive land use in a high-risk area may need to be altered to reduce the number of people present).

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.

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 Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5 and reflect the airport activity levels documented in the respective 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).
- 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. Noise Compatibility Policies

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 the *Airport* is 60 dB. Given that most of the *Airports' environs are* suburban in character, 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 Zones A and B1*.

(2) Except as allowed by right in accordance with Policy 1.5.4, the maximum allowable residential *Density* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(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 1.5.4 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 **Table 3A**, *Basic Compatibility Criteria*.

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

(3) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.3.2 and as noted in **Table 3A**, *Basic Compatibility Criteria*.

3.3.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within *Compatibility Zones B1* and *B2* 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.[36]

(a) For the following noise-sensitive land uses, the aircraft-related interior noise level shall be no greater than *CNEL* 45 dB by ensuring a noise level reduction (NLR) of 20 dB in *Compatibility Zones B1* and *B2*.

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

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

(3) Adult schools, libraries, and museums.

[36] 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.

(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 1.1.21). Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in **Table 3A**, *Basic Compatibility Criteria* take into account single-event noise concerns.

(a) The *Local Agency* 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 the *Airports* are provided in Chapters 4 and 5.

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 3.4.7 for applicable safety criteria.

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 *ALUC* policy.

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 3.5.

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 shapes and sizes of the *Compatibility Zones*.
- The locations, delineated with respect to the *Airport* runway, where aircraft accidents typically occur near *Airports* and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook*. The *Handbook* guidance regarding safety compatibility forms the basis for the safety component of the composite *Compatibility Zones* established for the *Airport* and the maximum usage intensities (people per acre) criteria indicated in Policy 3.4.2 and in **Table 3A**, *Basic Compatibility Criteria*.
- *Handbook* guidance regarding residential densities in rural and suburban areas. Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of 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 an aircraft in distress can attempt an emergency landing.
- The extent to which the occupied parts of a project site are concentrated in a small area. Concentrated high intensities heighten the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area (i.e., 1.0-acre area) of a large project site are appropriate.

3.4. Safety Compatibility Policies

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 **Table 3A**, *Basic Compatibility Criteria.*

(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 gross 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.

(d) Within *Compatibility Zones B1*, *B2* or *C1*, dwellings shall be located outside of the zones where feasible or locate the dwelling a maximum distance from the extended runway centerline.

(e) See Policy 3.4.7 with regard to calculating the *Density* of mixed-use development.

(f) *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.*

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

(h) Secondary units, as defined by state law and local regulations, shall be excluded from *Density* calculations.

(i) In accordance with state law, 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.*

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 **Table 3A**, *Basic Compatibility Criteria* 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 3.4.8).

(b) The maximum allowable nonresidential *Intensity* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(c) All nonresidential uses must comply with both the "sitewide average" and "single-acre" usage *Intensity* limits indicated for each *Compatibility Zone.*

(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 gross acreage of the project site) which may include multiple parcels.

(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.

(d) Determination of compliance with the sitewide average *Intensity* criteria requires calculating the total occupancy of the site at any given time under normal busy use (see Policy 3.4.2(e)), then dividing by the total (gross) acreage of the project site.

(e) 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. For the purposes of these calculations, the total number of occupants during normal busiest periods shall be used. The usage intensity criteria of this *ALUCP* are based upon a normal busy-period occupancy (or "peak" usage), not on the highest attainable occupancy.[37]

(f) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage *Intensity* criteria in **Table 3A**, *Basic Compatibility Criteria*.

(g) For *Intensity* criteria pertaining to mixed-use projects having both residential and nonresidential components, see Policy 3.4.7.

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

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

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

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

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

3.4.3. *Methodology for Calculation of Sitewide Average Intensity:* Various methods are available by which usage intensities may be calculated (additional guidance is found in Appendix B).

(a) Calculation Using Floor Area Ratio.[38] 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.

[37] 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).

[38] 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 each floor is counted.

- 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 (see **Exhibit 1** for example). 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 (see **Exhibit 1** for example).

Exhibit 1: Floor Area Ratio (FAR) Calculation

In this example, the typical Occupancy Load Factor for a Local Retail use and the maximum average intensity limit for Zone B2 provided in **Table 3A**, *Basic Compatibility Criteria* are used to calculate the allowable FAR for a "typical" local retail use. For atypical examples of a use, a project-specific Occupancy Load Factor may be used to calculate the allowable FAR for a particular project using the same mathematical equation provided below.

Mathematical Formula:

(Occupancy Load Factor x Average Intensity Criterion) ÷ 43,560 square feet per acre = **FAR**

Mathematical Example:

(**170** square feet per person x **100** people per acre) ÷ **43,560** square feet per acre = **FAR 0.39**

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.10* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met

(2) Application of Floor Area Ratio 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), each component use must be assigned a share of the overall project site. Typically, this share shall be assumed to be the same as the component

use's share of the total project floor area. Then, each component floor area ratio is compared with the maximum floor area ratio limit indicated for the land use category and *Compatibility Zone*.

(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 B.)

(d) Calculation Using Occupancy Load Factors: For most other uses, the typical Occupancy Load Factor indicated for the use shall be applied.[39] 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 an 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.

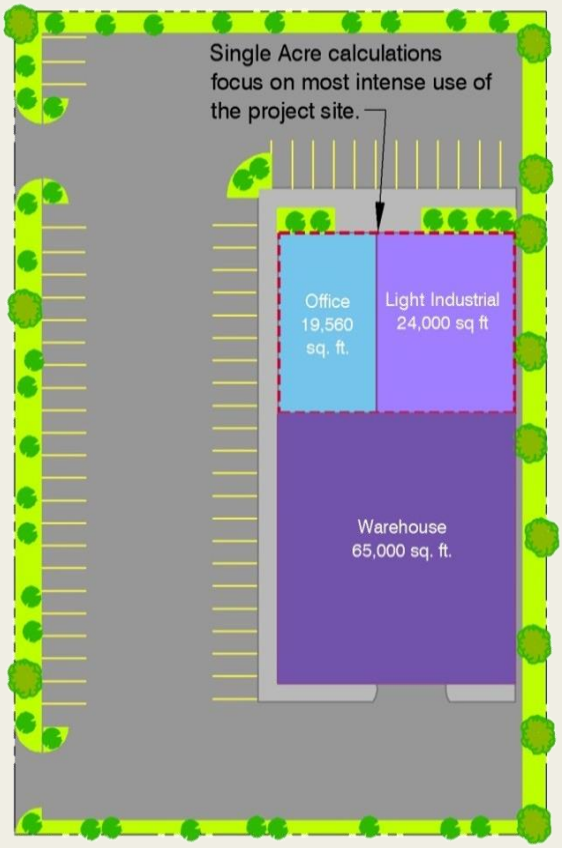
(2) If the project applicant can document a higher or lower Occupancy Load Factor for a particular use, then the *ALUC* or *Local Agency* may use that number in lieu of the number in **Table 3A**, *Basic Compatibility Criteria* table. In considering any such exceptions, the *ALUC* or *Local Agency* shall 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 B). 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*.

[39] 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: Occupancy Load Calculation Example

In this example, both the sitewide and single-acre *Intensity* of a proposed warehouse facility is calculated using the common Occupancy Load Factors (number of square feet per person) information in **Table 3A**, *Basic Compatibility Criteria* together with project specifications. The results are then compared with the maximum sitewide and single-acre *Intensity* limits in **Table 3A** to determine consistency of the project with the safety criteria.



Compatibility Zone B2 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
Light Industrial, Low Intensity: approx. 350 s.f. per person
Warehouse: approx. 1,000 s.f. per person

Project Specific Data

Site Acreage: 3 acres
Office: 19,560 s.f.
Light Industrial: 24,000 s.f.
Warehouse: 65,000 s.f.

Occupancy Load Calculation

Office: $\frac{19{,}560 \text{ s.f.}}{215 \text{ s.f. per person}} = 91$ people

L-industrial: $\frac{24{,}000 \text{ s.f.}}{350 \text{ s.f. per person}} = 69$ people

Warehouse: $\frac{65{,}000 \text{ s.f.}}{1{,}000 \text{ s.f. per person}} = 65$ people

Total: = 225 people

Intensity Results

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

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

$\frac{\text{Total people}}{\text{Site Acreage}} = \frac{225 \text{ people}}{3 \text{ acres}} = 75$ people per acre

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

$\frac{\text{Total people}}{\text{Single-Acre}} = \frac{91 + 69 \text{ people}}{1 \text{ acre}} = 160$ people per acre

3.4.4. *Methodology for Calculation of Single-Acre Intensity:* The single-acre *Intensity* of a proposed development 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 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 sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.

(c) For sites 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 development with the usage *Intensity* criteria in Policy 3.4.2(b), the *ALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria. (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 **Table 3A**, *Basic Compatibility Criteria*, 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: 50,000 s.f. / 170 s.f. per person = 294 people

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

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

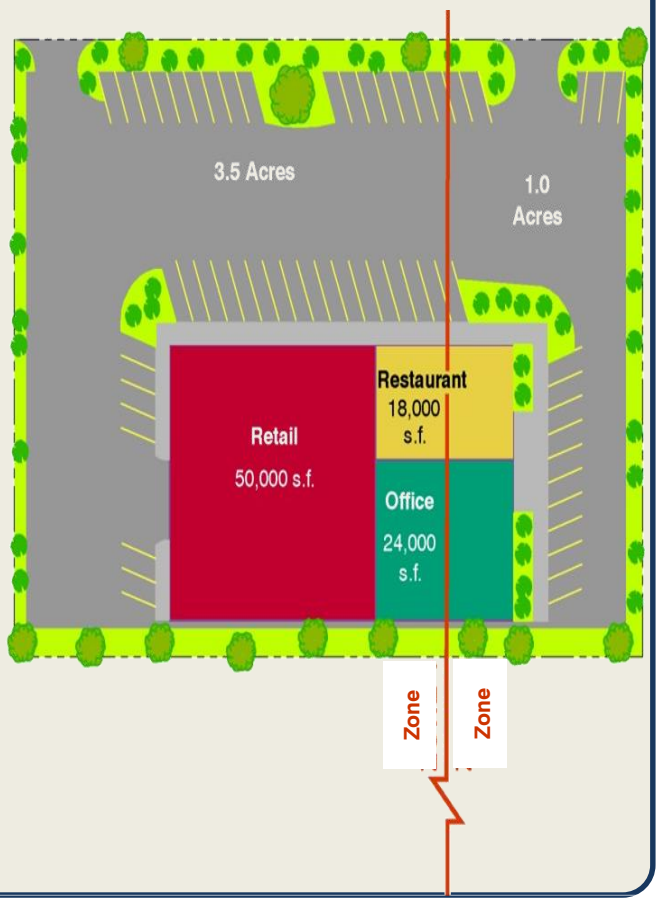
Total Occupancy = 500 people

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

* Would *exceed* Zone B2 sitewide average limit of 75 people/acre

Compatibility Zone C1

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



3.4.7. *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 **Table 3A**, *Basic Compatibility Criteria*. 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) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential *Density* and nonresidential *Intensity* criteria. The number of dwelling units shall not exceed the *Density* limits indicated in **Table 3A**, *Basic Compatibility Criteria*. 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 *ALUC* may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.

3.4.8. *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. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function. 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. See Policy 3.7.5(b) for a list of building design features that can be used to enhance the safety of occupants of a building.

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

(1) The primary uses in this category include, but are not limited to the following:

- Children's schools (grades K–12).
- Day care centers (facilities with more than 14 children, as defined in the California Health and Safety Code).
- In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
- Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
- Penal institutions.

(2) 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 and use 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:

- In *Compatibility Zones B1* and *B2*, only the following is allowed: 1) On-*Airport* storage of aviation fuel and other aviation-related hazardous materials; 2) storage of nonaviation fuel or other hazardous materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation hazardous materials in aboveground tanks.
- In *Compatibility Zones C1* and *C2*, storage of smaller amounts of hazardous materials 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 of the above uses shall be allowed within *Compatibility Zone D*.
- All facilities must comply with the *Intensity* limits set forth in Policy 3.4.2(b) and other criteria noted in **Table 3A**, *Basic Compatibility Criteria*.

(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*. In *Compatibility Zone B2*, public safety facilities shall be allowed only if the facility serves or has an airport-related function. In *Compatibility Zone C1*, 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 Zones C2* and *D*.
- Communications facilities are incompatible in *Compatibility Zones A*, *B1*, and *B2*. In *Compatibility Zone C1*, 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) set forth in Section 3.5 of this *ALUCP*. Communication facilities shall be allowed within *Compatibility Zones C2* and *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 the zone would not serve the intended function of the facility.
- Peaker plants, renewable energy power plants, electrical substations and other utilities are incompatible in *Compatibility Zones A, B1, B2,* and *C1*. New sites or facilities or expansion of existing sites or facilities shall be allowed in *Compatibility Zones C2* and *D* 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 3.5 of this *ALUCP*.

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

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

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

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

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

(c) Open land requirements for each *Compatibility Zone* are 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. Designated open land areas must remain in perpetuity by way of an open space easement, deed restriction, or conditional use permit. Clustering of development should be located a maximum distance from the extended runway centerline. See **Table 3A**, *Basic Compatibility Criteria* for limitations on clustering development on any single acre.

(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.

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.

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.

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

3.5. Airspace Protection Compatibility Policies

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 **Exhibits 4E** and **5E**, in Chapters 4 and 5.

(a) The airspace protection / height limit surfaces depicted in **Exhibits 4E** and **5E**, in Chapters 4 and 5, are drawn in accordance with Federal Aviation Regulations Part 77, Subpart C, and reflect the runway length, runway end locations, and approach type for each end of the runway.

(b) The *Critical Airspace Protection Zone* consists of the Federal Aviation Regulations Part 77 primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface.

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 Federal Aviation Regulations 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 3.5.4, the results of that study shall be taken into account by the *ALUC* or *Local Agency*.

(a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as a 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.[40]

(b) Objects not situated within a *Critical Airspace Protection Zone* (see Policy 3.5.1(b)) may be allowed to have heights that penetrate the *Airspace Protection Surfaces* defined by Federal Aviation Regulations Part 77 criteria under the following conditions:

(1) The maximum allowable height for these objects is 35 feet above ground level.[41]

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

(c) Unless exempted under Paragraph (b) of this policy, a proposed object having a height that exceeds any 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 *ALUC* 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*.

[40] 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.

[41] The ALUC assumes that future objects having heights of 35 feet or less will be shielded by other existing structures or vegetation of equal or greater height.

(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.[42]

(4) An *Avigation Easement* is dedicated to the *Local Agency* 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 Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall not be allowed within the *Airport Influence Area* unless the uses are consistent with FAA rules and regulations.

(a) Specific characteristics to be avoided include:

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

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

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

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

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

(6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.[43] Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds, which pose bird strike hazards to aircraft in flight.

(b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, *Local Agencies* should consult with FAA officials, the California Division of Aeronautics, and Airport management.

3.5.4. *Requirements for FAA Notification of Proposed Construction:* Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.[44] The following is *ALUCP* policy on this topic.

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

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

[44] Federal Aviation Regulations Part 77 requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of Federal Aviation Regulations 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. FAA notification is required under the following circumstances:

(a) The project contains proposed structures or other objects that exceed the height standards defined in Federal Aviation Regulations Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with Federal Aviation Regulations Part 77, Paragraph 77.15. Note that notification to the FAA under Federal Aviation Regulations 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 4 and 5, 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.

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

(b) The *Local Agency* having jurisdiction over the project site should inform the project proponent of the requirements for notification to the FAA and require a copy of the completed Federal Aviation Regulations 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)..

3.5.5. *ALUC Airspace Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *ALUC*.

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.

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. Overflight Compatibility Policies

3.6.1. *Recorded Overflight Notification:* As a condition for *ALUC* or *Local Agency* approval of residential land use development within *Compatibility Zone 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 D 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."[45] *ALUCP* criteria with regard to *Airport Proximity Disclosure* is 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 the *ALUC* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither the *ALUC* 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 in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* establishes the area in which *Airport Proximity Disclosure* is recommended.

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

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

(b) For proposed residential development:

(1) The disclosure provisions of state law are deemed mandatory for new residential development 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 D 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 development 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 jurisdiction 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 the *Airport Influence Area*:

(1) Within *Compatibility Zones A, B1, B2* or *C1*.

(2) Within the *Critical Airspace Protection Zone* which is contained entirely within the *Compatibility Zones* defined in subparagraph (1) of this Policy. See Policy 3.5.1(b) for definition of *Critical Airspace Protection Zone*.

(b) *Avigation Easement* dedication shall be required for any proposed development for which discretionary local 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 3.5 and **Maps CHO-3B** and **MAD-3B**, *Airspace Protection Surfaces Map*;

(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 D.

3.7.2. *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*.

(2) A *Nonconforming* single-family dwelling may be maintained, remodeled, reconstructed (see Policy 3.7.3), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 1.5.4 (Development by Right). However:

- Any remodeling, *Reconstruction*, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
- Any increase in height must comply with the policies in Section 3.5 (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 3.7.3(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 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 3.7.3). 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 children's 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) The sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply.

3.7.3. *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:[46]

(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

[46] *Reconstruction* differs from *Redevelopment* (see Policies 1.1.24 and 1.1.26 for definitions) that is subject to the provisions of this *ALUCP*.

time of the damage. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.

(b) A 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 jurisdiction 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 Federal Aviation Regulations Part 77 requirements (see Section 3.5).

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

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

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

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

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

(1) Using concrete walls;

(2) Limiting the number and size of windows;

(3) Upgrading the strength of the building roof;

(4) Avoiding skylights;

(5) Enhancing the fire sprinkler system;

(6) Limiting buildings to a single story; and

(7) Increasing the number of emergency exits.

(c) In reaching a decision, the *Local Agency* 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, not with the *Local Agency*.

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

4. COMPATIBILITY CRITERIA FOR AIRPORT ACTIONS

4.1. Review Criteria for Airport Plans of Existing Airports

4.1.1. *Substance of Review:* In accordance with state law, any new or amended airport master plan or airport expansion plan is subject to *ALUC* review for consistency with this *ALUCP* (see Policy 2.1.4). In conducting any such review, the *ALUC* shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *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 4 or 5; or (2) assume a higher proportion of larger or noisier aircraft.

4.1.2. *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 *ALUC* 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.

4.1.3. *Consistency Determination:* The *ALUC* shall determine whether the proposed airport master plan or airport expansion plan is consistent with this *ALUCP*. The *ALUC* shall base its determination of consistency on:

(a) Findings that the development and forecasts identified in the *Airport* plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *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 project proponent 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 1.1.10 for definition of aviation-related use).

4.2. Review Criteria for Proposed New Airports and Heliports

4.2.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the *ALUC* 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 *ALUC* review.

(b) The *ALUC* 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 *ALUC* must base its review on the proposed airfield design. The *ALUC* does not have the authority to require alterations to the airfield design.

4.2.2. *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.

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200	limit	
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics							
Any use having more than 1 habitable floor [4]							B1, B2: Limited to no more than 2 habitable floors C1: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height							B1, B2, C1: Ensure airspace obstruction does not occur B1, B2, Height Review Overlay Zone: Airspace review required for objects >35 feet C1: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height							C2, D: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife							C1, C2, D: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]							
Outdoor Uses (no or limited indoor activities)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [7] A, B1, B2: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/retention ponds ✹							A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹							A: Not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹							B1, B2, C1, C2, D: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈							C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈							C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹							B1, B2, C1: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈							B1, B2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈							C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)							B1, B2, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses							
Single-Family residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈							B1, B2: 1 du/10 acres (average density); 4 du/single acre[8]; CNEL 45 dB max. interior noise level C1: 1 du/2 acres (average density); 4 du/single acre[8] B1: B2, C1: Locate dwelling outside zone where feasible or max. distance from extended runway centerline
Multi-Family Residential: townhouses, apartments condominiums ✈							
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈							
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]				0.46	1.38		C1, C2: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities ✈							

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Educational and Institutional Uses							
Family day care homes (≤14 children) [9] ✈							B1, B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈							
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.09	0.28		B2, C1, C2: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.10		C1, C2: Ensure intensity criteria met
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers, emergency/ homeless shelters ✈ [approx. 100 s.f./person]			0.23	0.23	0.69		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]			0.14	0.14	0.41		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈							
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.55	1.65		B2, C1, C2: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Penal Institutions: prisons, reformatories							
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C1: Allowed only if site outside zone would not serve intended function; ensure intensity criteria met
Commercial, Office, and Service Uses							
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, supermarket [approx. 110 s.f./person]				0.25	0.76		C1, C2: Ensure intensity criteria met

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]		0.08	0.14	0.14	0.41		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57	0.57	1.72		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.49	1.48		B1, B2, C1: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.46	1.38		B1, B2, C1, C2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking and other transportation fueling facilities							B1, B2, C1, C2: Ensure intensity criteria met B1, B2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons B1: Locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹							D: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹							C2, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]			0.46	0.46	1.38		B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	0.80			B1, B2, C1: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research and Development Laboratories [approx. 300 s.f./person]		0.41	0.69	0.69	2.07		B1, B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.38	2.30				B1, B2: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling							B1: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Mining and Extraction ✹							B1, B2, C1, C2: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Transportation Stations: Rail/bus stations; taxi, trucking and other transportation terminals							B1, B2, C1: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops							B1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures							B1: Ensure airspace obstruction does not occur

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Communications Facilities: broadcast and cell towers, emergency communications ✹							C1: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Power Plants: primary, peaker, renewable energy, bio-energy ✹							C2, D: Peaker and renewable energy plants allowed if structures located max. distance from extended runway centerline D: Primary plants allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline All: Ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Electrical Substations ✹							C1, C2: Locate structure max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Wastewater Facilities: treatment, disposal ✹							C1, C2: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Disposal Facilities: landfill, incineration ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Transfer Facilities, Recycle Centers ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]

Table 3A, continued

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

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.1 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See *Policy 3.5.3(a)* for criteria.

[1] Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). 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 (see *Policy 3.4.2(e)*). Exceptions can be made for rare special events (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see *Policy 3.7.4)*. The usage intensities shall be calculated in accordance with the methodologies cited in Policy 3.4.3 and 3.4.4.

[2] Open land requirements are intended to be applied with respect to an entire zone (see *Policy 3.4.9)*. This is typically accomplished as part of a local general plan or specific plan, but may also apply to large (10 acres or more) development projects.

[3] Occupancy Load Factors [approx. number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These Occupancy Load Factors differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See *Policy 3.4.3.*

[4] The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.

[5] No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. *See Policy 3.5.3(a)(6).*

[6] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. *See Policy 3.5.3(a).*

[7] Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway. See *Airport* maps in Chapters 4 through 5.

[8] Clustering of residential development is permitted. However, no single acre of a project site shall exceed the indicated number of dwelling units per acre. See Policy 3.4.9(d).

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

Table 3A, continued

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Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
A *Runway Protection Zone*	*Noise Impact: Very High* › Mostly above CNEL 65 dB	*Risk Level: Very High* › Includes Runway Protection Zones › 20% of near-runway general aviation accidents occur in this zone › Aircraft altitude <200 feet above runway › Object heights restricted to <35 feet in some areas
B1 *Inner Approach/ Departure Zone*	*Noise Impact: High* › Typically above CNEL 60 dB › Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open	*Risk Level: High* › Encompasses areas overflown by aircraft at low altitudes—typically only 200 to 400 feet above runway › 22% of off-runway general aviation accidents near airports take place here › Object heights restricted to <35 feet in some areas
B2 *Sideline Zone*	*Noise Impact: Moderate to High* › Mostly above CNEL 60 dB › Exposed to loud single-event noise from take-offs	*Risk Level: Low to Moderate* › Area not normally overflown by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff › About 5% of off-runway general aviation accidents near airports happen in this zone › Object heights restricted to <35 feet in some areas
C1 *Outer Approach/ Departure Zone*	*Noise Impact: Moderate* › Single-event noise from routine overflight sufficient to disrupt indoor and outdoor activities	*Risk Level: Moderate* › Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude › Zone also includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading › 4% of off-runway general aviation accidents near airports occur here › Object heights restricted to as little as 70 feet
C2 *Primary Traffic Pattern Zone*	*Noise Impact: Low to Moderate* › Primary traffic pattern east of Chowchilla Municipal Airport and west of Madera Municipal Airport; aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor and outdoor activities	*Risk Level: Low to Moderate* › 18% of off-runway general aviation accidents near airports occur here, but the large area encompassed means a low likelihood of accident occurrence in any given location › Risk concern is primarily with uses for which potential consequences are severe (e.g. intensive uses and airspace hazards) › Airspace concern is generally with object heights >150 feet above runway elevation
D *Other Airport Environs*	*Noise Impact: Low* › Occasional overflights intrusive to some outdoor activities	*Risk Level: Low* › Risk concern only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)

Table 3B

Compatibility Zone Delineation

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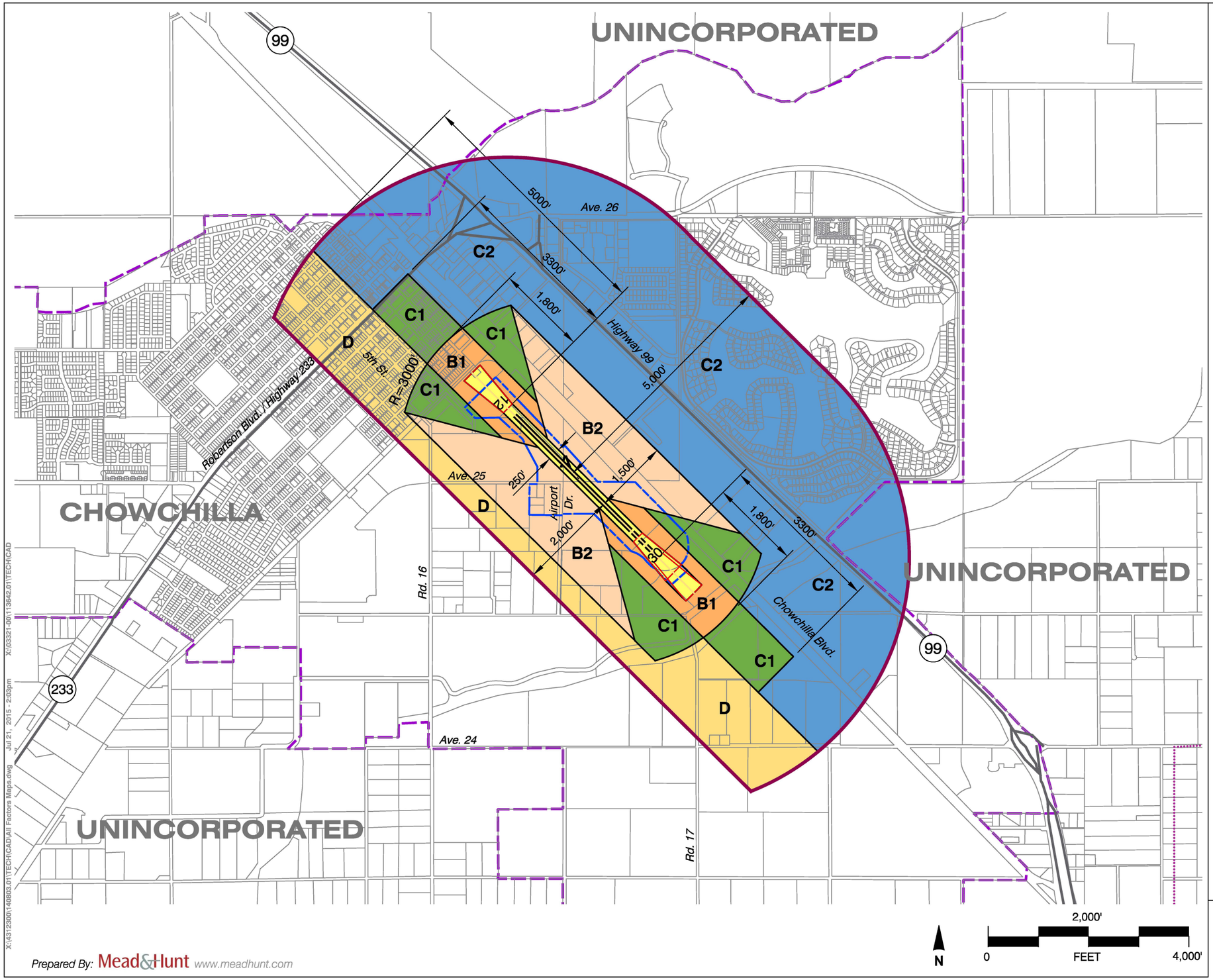


Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft)[1]

A	Runway Protection Zone
B1	Inner Approach/Departure Zone
B2	Sideline Zone
C1	Outer Approach/Departure Zone
C2	Primary Traffic Pattern Zone
D	Other Airport Environs

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.

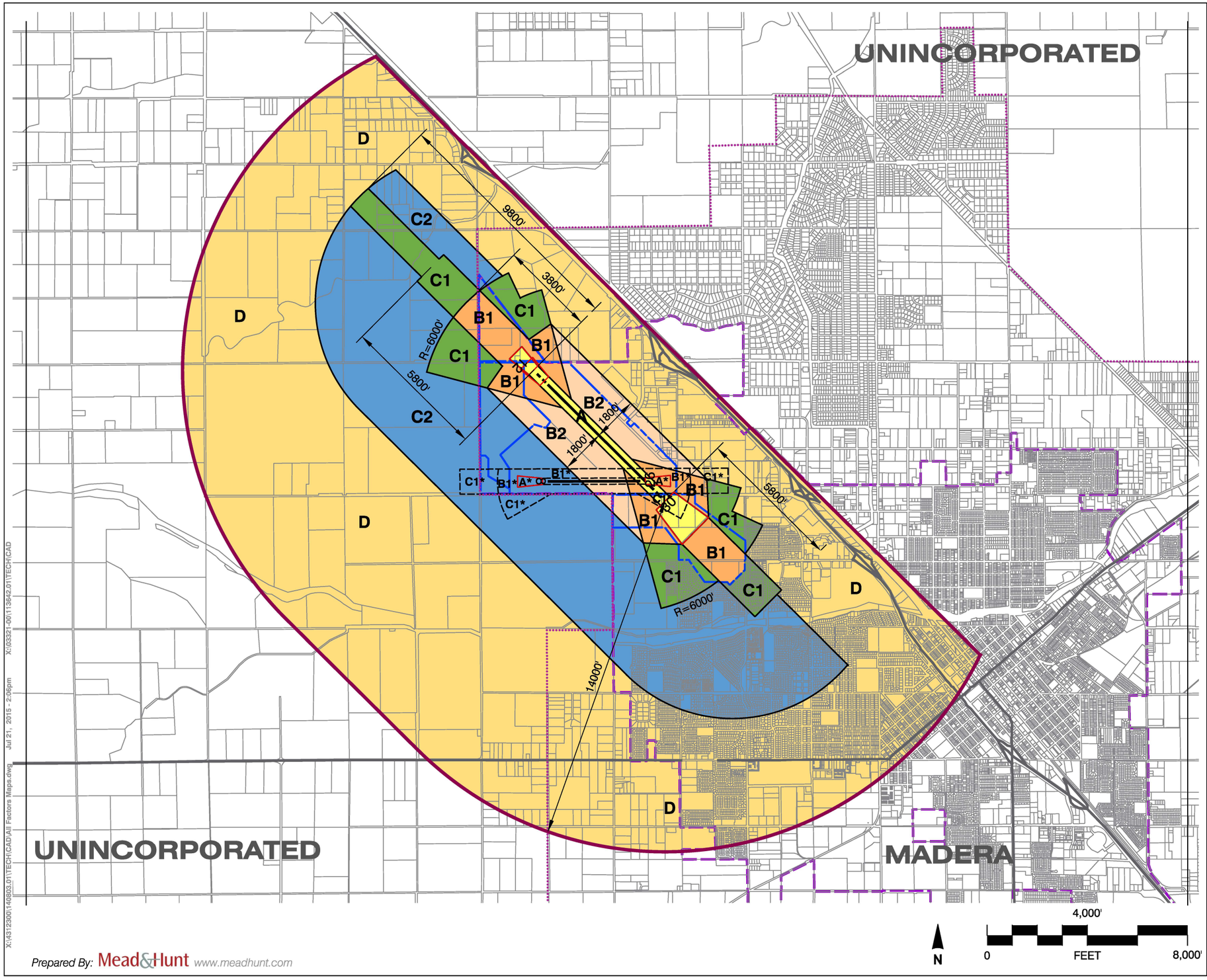
2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3A

Compatibility Policy Map

Chowchilla Municipal Airport



Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft)[1]

- A — Runway Protection Zone
- B1 — Inner Approach/Departure Zone
- B2 — Sideline Zone
- C1 — Outer Approach/Departure Zone
- C2 — Primary Traffic Pattern Zone
- D — Other Airport Environs
- Runway 8-26 Overlay Zones* (Compatibility zones are in effect until such time that Runway 8-26 is closed. The City anticipates to close Runway 8-26, which is restricted to agricultural use, once the FBO lease expires in 2019).

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.
2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3B

Compatibility Policy Map

Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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CHAPTER 4

Background Data: Chowchilla Municipal Airport and Environs

4

Background Data: Chowchilla Municipal Airport and Environs

INTRODUCTION

This chapter documents information regarding Chowchilla Municipal Airport and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan* (*ALUCP*) for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

Chowchilla Municipal Airport is located in the southern limits of the City of Chowchilla in Madera County. The airport is a 97-acre general aviation facility owned and operated by the City of Chowchilla.

The most recent Airport Layout Plan (ALP) drawing was approved by the City of Chowchilla and the Federal Aviation Administration (FAA) in 2009. The ALP depicts existing airport facilities and future airport expansion. The ALP was accepted by the Caltrans Division of Aeronautics on _____, as the basis of this *ALUCP*.[1] The information contained on the 2009 ALP, together with supplemental information provided by airport personnel, form the foundation for this *ALUCP*.

Airfield Configuration

The airport consists of a single 3,253-foot northwest/southeast runway designated Runway 12-30. The runway is categorized as Airport Reference Code (ARC) A-I by FAA standards. Runway 12-30 is a visual runway with no straight-in instrument approach procedures and serves light aircraft weighing less than 12,500 pounds.

[1] *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.

The 2009 ALP reflects several proposed airfield improvements including a future 572-foot runway extension to the southeast for a future runway length of 3,825 feet and a future nonprecision approach with 1-mile visibility minimums to Runway 30. The proposed runway extension provides additional runway length for takeoffs to the north, thereby allowing aircraft to reach higher altitudes above populated areas such as the residential neighborhoods which exist approximately 0.25 miles north of the airport. The proposal also includes a 572-foot displaced landing threshold for Runway 30, which means that aircraft landing on Runway 30 would have 3,250 feet available, approximately the existing runway length, rather than the full extended length of 3,825 feet.

Aircraft Activity and Forecasts

The most current information detailing airport operations is reported by the FAA's Terminal Area Forecast (TAF). The TAF contains a record of both existing and historical airport operations. The TAF reports 6,709 annual operations as having occurred in 2013, the most recent historical year. This number is the best available data for existing operations and is used in this *ALUCP* as the base year for current (2015) operations.

Given that no airport master plan is available, this *ALUCP* brings forward the forecast assumed in the 1993 *ALUCP* of 21,000 annual operations. This forecast more than doubles the existing operations within 20 years, which is a conservative assumption. The growth from 6,709 to 21,000 annual operations assumes build out of the facilities proposed on the 2009 ALP.

Aircraft Traffic Patterns

Prevailing winds at the airport are from north to south which equates to a predominant northern flow of traffic where aircraft arrive from the south and depart to the north using Runway 30. The primary traffic pattern for the airport is on the east side of the airfield; left traffic for Runway 12 and right traffic for Runway 30.

City of Chowchilla personnel indicate that agricultural-related flights are a significant driver of the airport's activity. Agricultural aircraft operate in a manner that is very different from traditional general aviation aircraft. They arrive and depart the airport in whichever direction and manner is most convenient to their destination. For this reason, it is difficult to precisely assign agricultural aircraft to specific flight tracks to and from the airport. For the purposes of this *ALUCP*, agricultural aircraft are assumed to follow the primary general aviation flight paths east of the airport. The single-engine Ag Cat aircraft is used for airport noise modeling as the representative aircraft of agriculture operations.

Surrounding Land Uses

The Chowchilla Municipal Airport is entirely within the Chowchilla city limits. It is located west of State Highway 99, between Chowchilla Boulevard and South 3rd Street (Road 16) south of Mariposa Avenue. Most development in Chowchilla is located north and west of the airport.

Existing development immediately surrounding the airport includes a mixture of vacant, industrial, and recreational uses. The railroad flanks the northeast side of the airport. Northeast of the railroad tracks, the land is vacant until State Route 99, 0.5 miles east. Immediately northwest of the airport is a small strip of industrial uses and then residential uses beyond. The area to the south and southwest is currently industrial. The Madera County Fairgrounds is located immediately to the west of the airport.

The City of Chowchilla General Plan designates future land uses within and around the Chowchilla Municipal Airport. The entire airport and the Madera County Fairgrounds to the west are designated Public Facilities. Light or Heavy Industrial uses are planned west, south, and southeast of the airport. The City designates the area northwest of Runway 12 as Light Industrial surrounded by Service Commercial and Medium/High Density Residential. Madera County has land use authority over all unincorporated land. The airport is over 0.5 miles from any unincorporated land. The County's General Plan designates agriculture about 1 mile north of the airport and a mix of residential uses about 1.5 miles to the west.

EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

Exhibit 4A: Airport Features Summary – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

Exhibit 4B: 2009 Airport Layout Plan – The FAA-approved ALP depicting the airport configuration and airport building areas. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in _____.

Exhibit 4C: Airport Activity Data Summary – Presents existing (2015) aircraft activity data as reported by the FAA TAF. Forecast activity levels for the airport provided in the 1993 *ALUCP* are brought forward for planning purposes and cover the requisite 20-year planning horizon.

Exhibits 4D and 4E: Compatibility Factors – Depicts the extents of the four compatibility factors upon which the compatibility zones for Chowchilla Municipal Airport were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 21,000 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft operating at Chowchilla Municipal Airport routinely fly.
- *Safety* – Generic safety zones for a short general aviation runway as provided in the *California Airport Land Use Planning Handbook* (October 2011).
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.

Exhibit 4F: Airport Environs Information – Summarizes information about current and planned land uses in the environs of the Chowchilla Municipal Airport. The status of local general plans and airport land use compatibility policies contained in the County of Madera's and City of Chowchilla's general plans are also summarized.

Exhibit 4G: City of Chowchilla General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

Exhibit 4H: County of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

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General Information

- *Airport Ownership:* City of Chowchilla
- *Property Size*
  - Fee title: 97 acres
  - Avigation easement: 3.5 acres
- *Airport Classification*: General Aviation
- *Airport Elevation*: 243 ft. MSL

Building Area

- *Location*
  - Midfield west side of airfield and east of Runway 30 approach end
- *Facilities*
  - FBO and T-Hangars
  - Tiedowns
- *Services:* None

Runway/Taxiway Design

Runway 12-30

- *Airport Reference Code*: A-I (Small)
- *Dimensions:* 3,253 ft. long, 60 ft. wide
- *Pavement Strength* (main landing gear configuration)
  - 12,000 lbs. (single-wheel)
- *Effective Gradient*: 0.15% (rising to southeast)
- *Runway Lighting:* Medium-intensity runway edge lighting
- *Runway Markings:* Basic
- *Primary Taxiways*: Full-length parallel taxiway on west

Approach Protection

- *Runway Protection Zones (RPZs)*
  - Runway 12: 250 ft. inner width, 450 ft. outer width, 1,000 ft. long; 3.6 acres off airport
  - Runway 30: 250 ft. inner width, 450 ft. outer width, 1,000 ft. long; entirely on airport
- *Approach Obstacles:*
  - Runway 12: 60-foot antenna 1,500 ft. from runway end; 20:1 obstacle clearance slope; 35-foot powerlines 1,150 ft. from runway end
  - Runway 30: Railroad tracks 750 ft. from runway end; 20:1 obstacle clearance slope

Airport Planning Documents

- *Airport Master Plan:* None
- *Airport Layout Plan*
  - Approved by FAA in 2009
  - Acceptance by Caltrans Division of Aeronautics for basis of this ALUCP is pending

Traffic Patterns and Approach Procedures

- *Airplane Traffic Patterns*
  - Primary pattern: East of airfield
  - Primary direction: South to north
  - Pattern Altitude: 1,000 ft. AGL
- *FAR Part 77 Category*
  - Runway 12 & 30: Visual [A(V)]
- *Instrument Approaches:* Lighted wind indicator

Proposed Facility Improvements

- *Airfield*
  - 572-foot runway extension to southeast for future runway length of 3,825 ft.; future RPZ encompasses 4 acres off airport
  - 572-foot displaced landing threshold for Runway 30
  - Nonprecision approach with 1 mile visibility to Runway 30
- *Building Area*
  - Construct administration building
  - Construct additional FBO and parking hangars

Sources: Airport Layout Plan (2009); FAA Airport Master Record (2014); data compiled by Mead & Hunt, Inc., January 2015.

Exhibit 4A

Airport Features Summary

Chowchilla Municipal Airport

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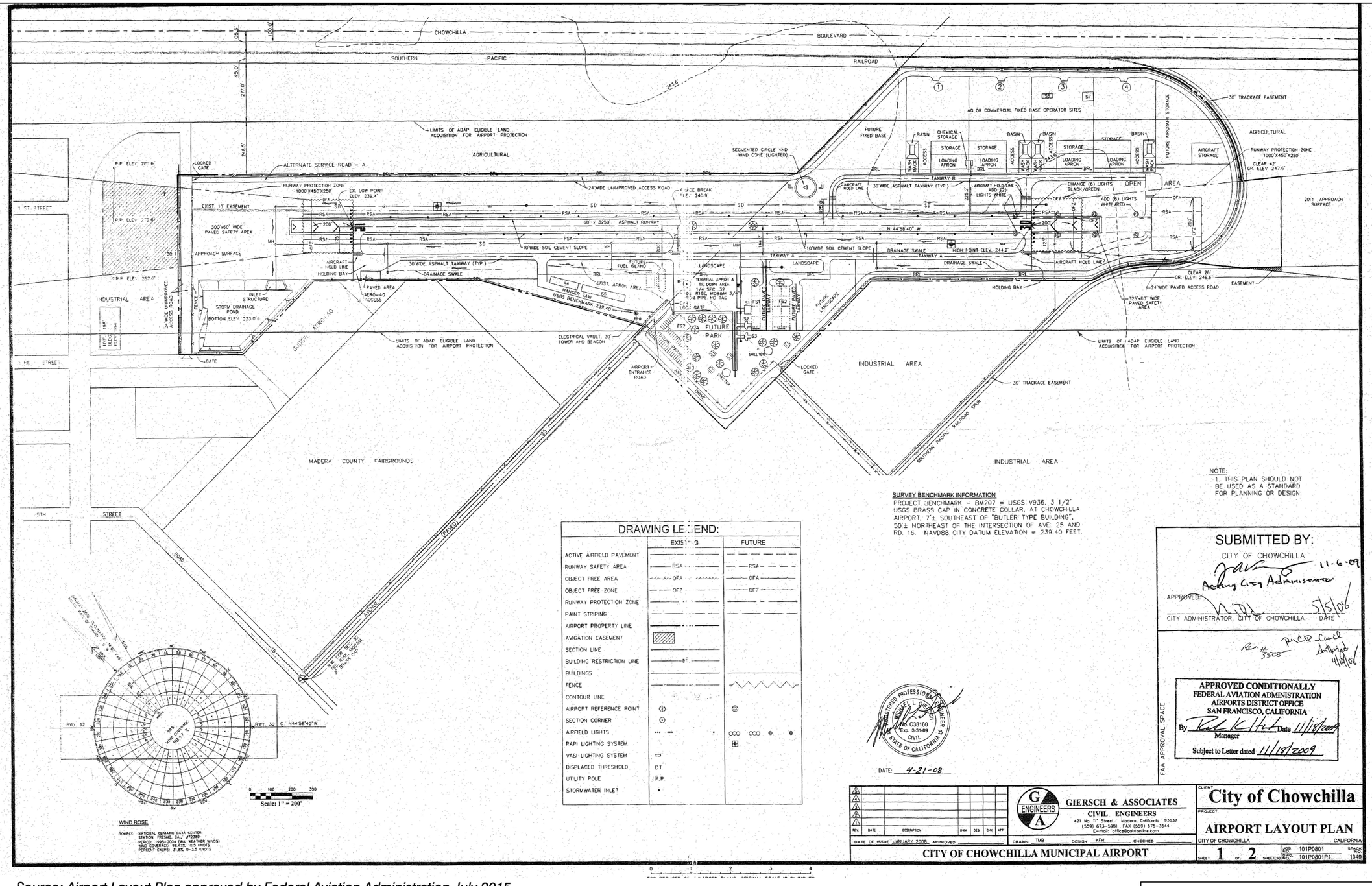

NOTE:
1. THIS PLAN SHOULD NOT BE USED AS A STANDARD FOR PLANNING OR DESIGN.

SURVEY BENCHMARK INFORMATION
PROJECT BENCHMARK - BM207 = USGS V936, 3 1/2" USGS BRASS CAP IN CONCRETE COLLAR, AT CHOWCHILLA AIRPORT, 7'± SOUTHEAST OF "BUTLER TYPE BUILDING", 50'± NORTHEAST OF THE INTERSECTION OF AVE. 25 AND RD. 16. NAVD88 CITY DATUM ELEVATION = 239.40 FEET.

DRAWING LEGEND:

	EXISTING	FUTURE
ACTIVE AIRFIELD PAVEMENT		
RUNWAY SAFETY AREA	RSA	RSA
OBJECT FREE AREA	OFA	OFA
OBJECT FREE ZONE	OFZ	OFZ
RUNWAY PROTECTION ZONE		
PAINT STRIPING		
AIRPORT PROPERTY LINE		
AVIGATION EASEMENT		
SECTION LINE		
BUILDING RESTRICTION LINE	BRL	
BUILDINGS		
FENCE		
CONTOUR LINE		
AIRPORT REFERENCE POINT		
SECTION CORNER		
AIRFIELD LIGHTS		
PAPI LIGHTING SYSTEM		
VASI LIGHTING SYSTEM		
DISPLACED THRESHOLD	DT	
UTILITY POLE	P.P.	
STORMWATER INLET		

REGISTERED PROFESSIONAL ENGINEER MICHAEL L. GIERSCH No. C38160 Exp. 3-31-09 CIVIL STATE OF CALIFORNIA
DATE: 4-21-08

SUBMITTED BY:
CITY OF CHOWCHILLA
Acting City Administrator 11-6-09
APPROVED:
CITY ADMINISTRATOR, CITY OF CHOWCHILLA DATE 5/5/06

Re: #3508 PMCP Civil Approved 4/18/06

FAA APPROVAL SPACE
APPROVED CONDITIONALLY
FEDERAL AVIATION ADMINISTRATION
AIRPORTS DISTRICT OFFICE
SAN FRANCISCO, CALIFORNIA
By Manager Date 11/18/2009
Subject to Letter dated 11/18/2009

GIERSCH & ASSOCIATES
CIVIL ENGINEERS
421 No. "I" Street Madera, California 93637
(559) 673-5991 FAX (559) 675-3544
E-mail: office@gai-online.com

DATE OF ISSUE JANUARY 2008 APPROVED
DRAWN TMB DESIGN KFH CHECKED

CLIENT: City of Chowchilla
PROJECT: AIRPORT LAYOUT PLAN
CITY OF CHOWCHILLA CALIFORNIA
SHEET 1 OF 2 SHEET(S) JOB NO. 101P0801 DRWG NO. 101P0801P1 STATE NO. 1348

CITY OF CHOWCHILLA MUNICIPAL AIRPORT

Source: Airport Layout Plan approved by Federal Aviation Administration July 2015.

Exhibit 4B

Airport Layout Plan
Chowchilla Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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BASED AIRCRAFT

	Current [a]	Future
Aircraft Type		
Single-Engine	13	26
Multi-Engine	0	0
Business Jet	0	0
Helicopters	0	0
Total	**13**	**26**

AIRCRAFT OPERATIONS [a]

	Current	Future
Total		
Annual	6,700 [a]	21,000 [b]
Average Day	18	58
Distribution by Aircraft Type		
Single-Engine Fixed Prop	45%	
Single-Engine Variable Prop	44%	no
Twin-Engine Piston	5%	change
Twin-Engine Turboprop	5%	
Business Jet	1%	
Helicopter	0%	
Distribution by Type of Operation [a]		
Local (incl. touch-and-goes)	70%	no
Itinerant	30%	change

TIME OF DAY DISTRIBUTION [b]

	Current	Future
All Aircraft		
Day (7 am to 7pm)	94%	no
Evening (7 pm to 10 pm)	4%	change
Night (10 pm to 7 am)	2%	

RUNWAY USE DISTRIBUTION [b]

	Current	Future
All Aircraft		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Landings		
Runway 12	15%	no
Runway 30	85%	change

NOTES:
Current represents 2015 and future is approximately 2035
[a] Source: FAA Terminal Area Forecast
[b] Source: Mead & Hunt based on information provided by airport personnel and in the 1993 Madera County ALUCP

Exhibit 4C

Airport Activity Data Summary

Chowchilla Municipal Airport

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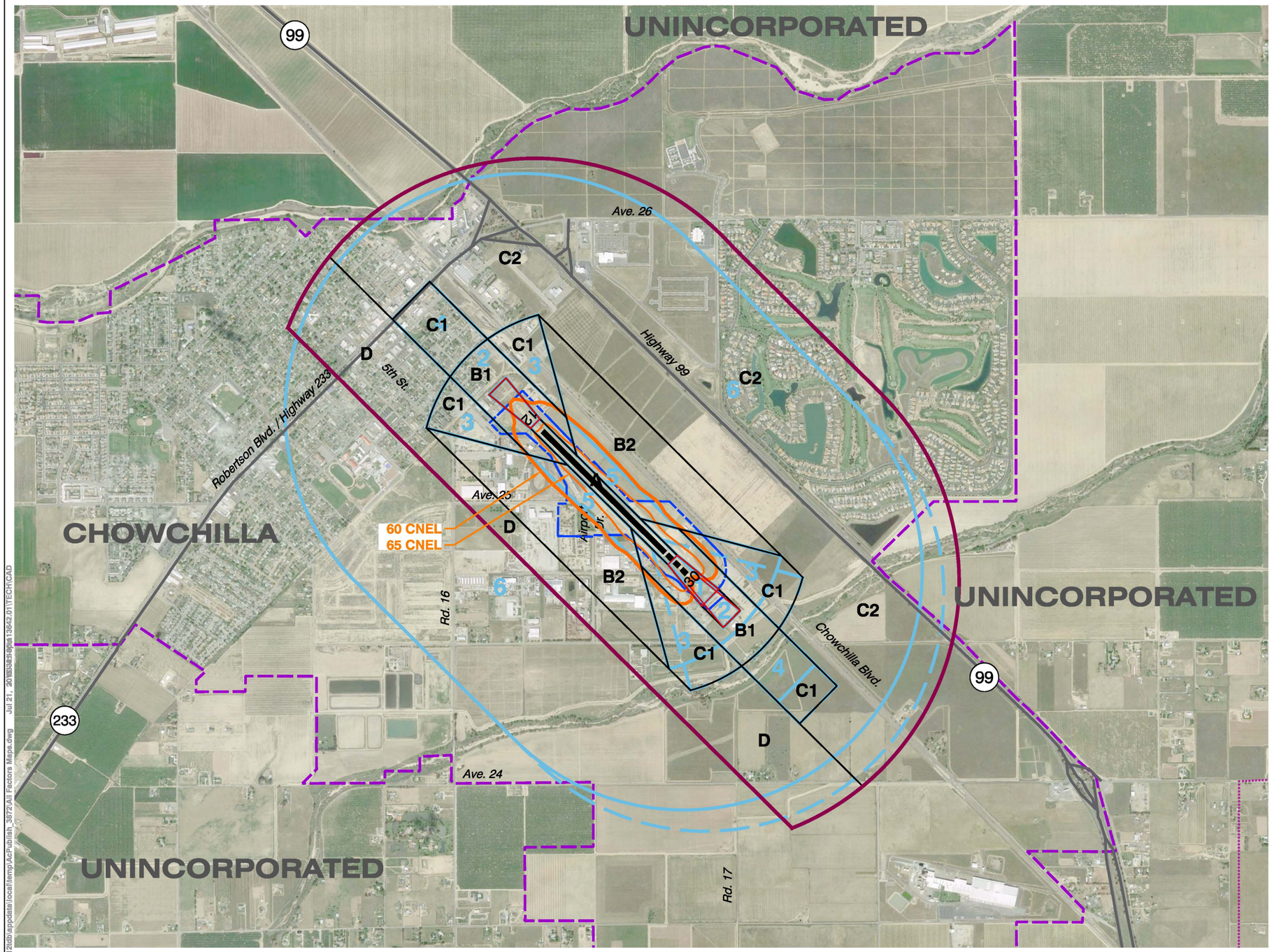

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs

Noise Contours[1]

- 65 dB CNEL
- 60 dB CNEL

21,000 Annual Operations

Generic Safety Zones[2]

- Short General Aviation Runway
- Future Short General Aviation Runway
  - **1** Runway Protection Zone
  - **2** Inner Approach/Departure Zone
  - **3** Inner Turning Zone
  - **4** Outer Approach/Departure Zone
  - **5** Sideline Zone
  - **6** Traffic Pattern Zone

Runway Factors[3]

- Runway Protection Zone (250' x 450' x 1,000')

Notes

1. Noise Contour Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).
2. Source: California Airport Land Use Planning Handbook (October 2011). Adjusted Zone 1 to match runway protection zone.
3. Source: Chowchilla Airport Layout Plan (2007).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Exhibit 4D

Factors Map: Noise & Safety

Chowchilla Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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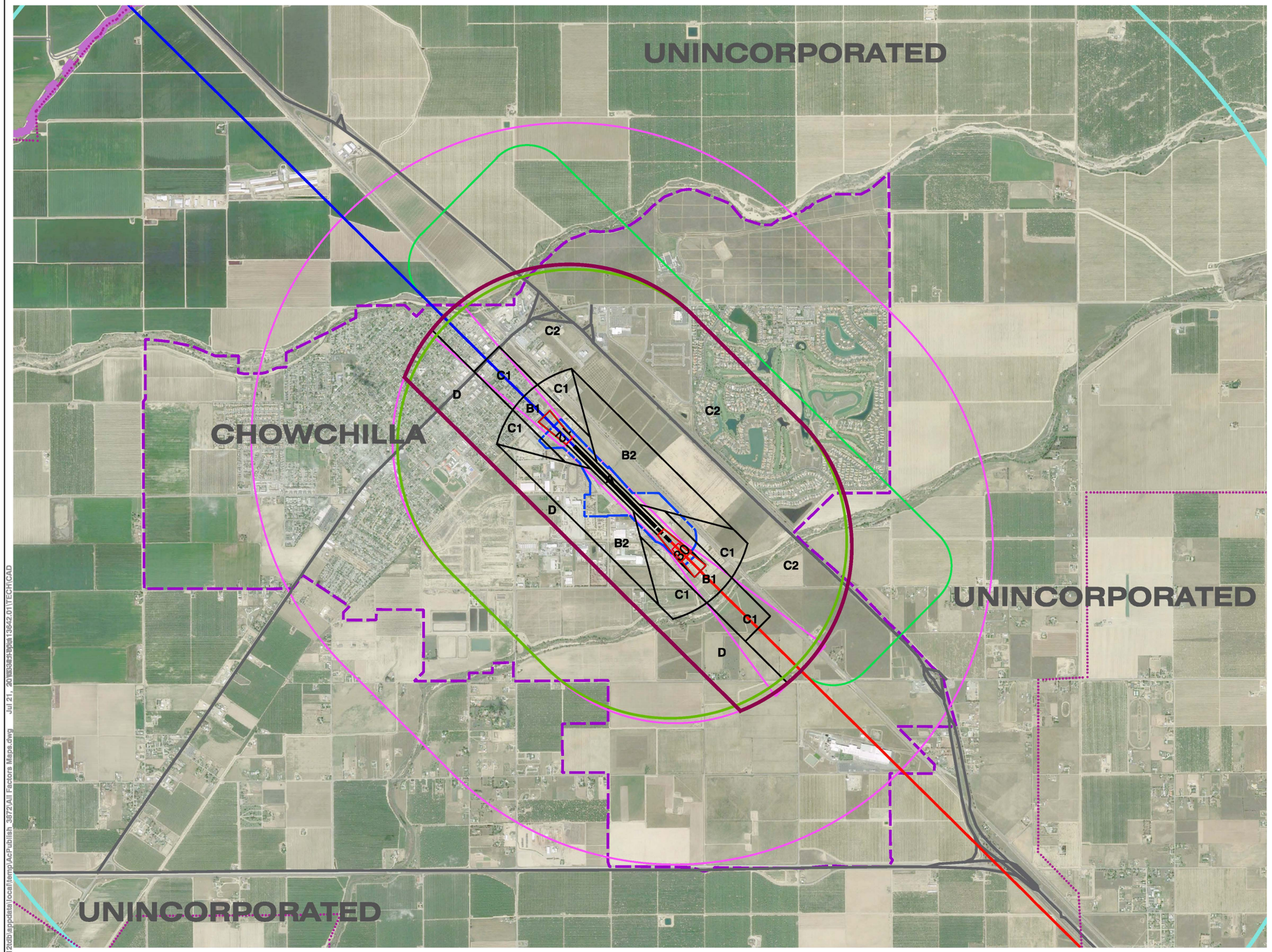

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs

Airspace Factors

- FAA Obstruction Surfaces (9,000 ft.)[1]
- FAA Height Notification Surface[1] (20,000 ft.; 100:1 slope)
- FAA Wildlife Separation Area (5,000 ft.)[2]

General Aircraft Traffic Pattern[3]

- Arrival
- Departure
- Touch and Go

Notes

1. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011). Part 77 Surfaces refelect visual approach (20:1 slope) to Runway 12 and future nonprecision approach (20:1 slope) to future Runway 30 end.
2. Source: Federal Aviation Administration Airport Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (August 2007).
3. Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

N

0 3,000' 6,000'
FEET

Prepared By: Mead&Hunt www.meadhunt.com

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Exhibit 4E

Factors Map: Overflight & Airspace

Chowchilla Municipal Airport

AIRPORT SITE

- *Location*
  - Chowchilla city limits, west of State Highway 99
  - Approximately 0.5 miles southeast of City's Downtown District
- *Topography*
  - Situated in San Joaquin Valley
  - Approximately 2.6 miles south of Chowchilla River
  - Approximately 22 miles north of San Joaquin River

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *County of Madera*
  - Nearest unincorporated land is 0.5 miles east
- *City of Chowchilla*
  - Airport lies entirely within city limits

EXISTING AIRPORT AREA LAND USES

- *General Character*
- Madera County Fairgrounds located immediately west of airport. Residential uses 0.25 miles northwest and 0.5 miles east of airport. Agricultural uses exist to the south and industrial uses to the southwest
- Runway Approaches
  - Runway 12 (northwest): Residential, Commercial
  - Runway 30 (southeast): Industrial, Agriculture

PLANNED AIRPORT AREA LAND USES

- *County of Madera*
  - Agriculture Exclusive 0.5 miles to east
- *City of Chowchilla*
  - Airport area and Fairgrounds to west are designated Public Facilities
  - Light and Heavy Industrial surrounding airport to north, east, and south
  - Runway Approaches:
    - Runway 12 (northwest): Light Industrial.
    - Runway 30 (southeast): Heavy Industrial

STATUS OF COMMUNITY PLANS

- *County of Madera*
  - General Plan and General Plan Land Use Map adopted by the Board of Supervisors October 24, 1995
- *City of Chowchilla*
  - General Plan adopted by City Council May 2, 2011

ESTABLISHED AIRPORT COMPATIBILITY MEASURES

County of Madera General Plan

- County shall ensure residential land uses are separated and buffered from airports (Policy I.C.6)
- County shall support continued use of Madera and Chowchilla Municipal Airports as general purpose airports (Policy 2.F.1)
- County shall provide for adequate ground access to Madera and Chowchilla Municipal Airports in its transportation planning and improvements (Policy 2.F.2)
- County shall work with the ALUC in planning land uses around Madera and Chowchilla Municipal Airports to ensure protection of airport operations from urban encroachment (Policy 2.F.3)
- County shall prohibit development in existing Runway Protection Zones as identified in the ALUCP (Policy 2.F.4)
- County shall require discretionary approval of all new private landing strips and helicopter landing sites (Policy 2.F.5)
- County should support development of an eastern county mountain airport (Policy 2.F.6)
- County shall ensure that new development around airports does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards (Policy 6.D.1)
- County shall limit land uses in airport safety zones to those uses listed in the applicable airport comprehensive land use plans (CLUPs) as compatible uses. Exceptions shall be made only as provided for in the CLUPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise (Policy 6.D.2)

Continued on next page

Exhibit 4F

Airport Environs Information

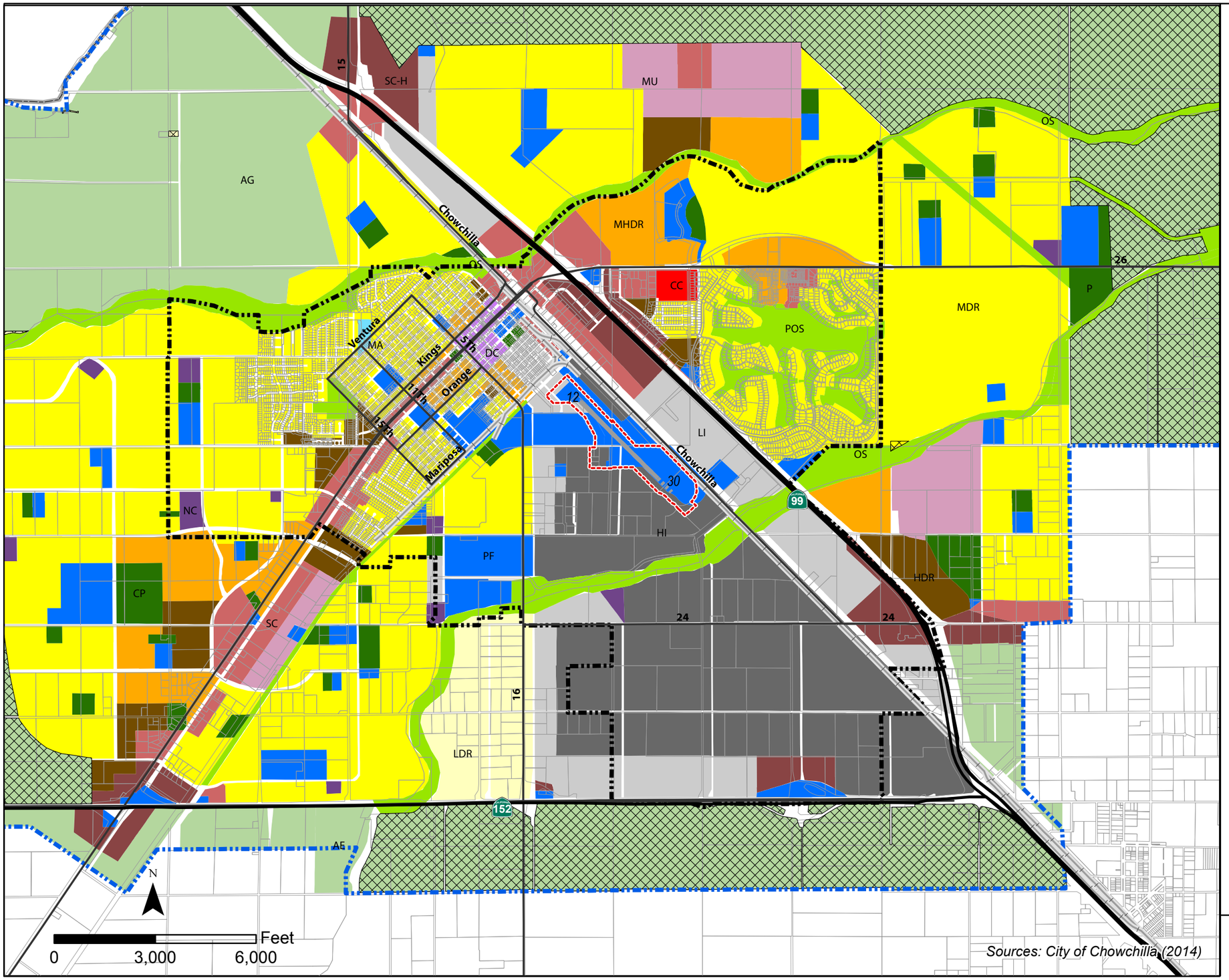
Chowchilla Municipal Airport

City of Chowchilla General Plan

- Ensure that new development can be made compatible with the noise environment by using the standards in, and airport noise contours identified in Table N-5 as guides to future planning and development decisions (Policy N-2.1)
- Avoid placing noise sensitive land uses (e.g., residences, schools, group homes, assisted living facilities, day care centers, etc.) within high noise impact areas (greater than 65 dB CNEL) associated with Chowchilla Municipal Airport (Policy N-2.2)
- City of Chowchilla shall coordinate with Madera County Airport Land Use Commission in maintaining noise contours for Chowchilla Municipal Airport as notable changes in current or projected operations are planned. All new land use proposals shall comply with land use policies of the Airport Land Use Compatibility Plan for Madera County Airports (MCALUCP) for aircraft-generated community noise (Policy N-2.3)
  - All residential development within the area included in the MCALUCP shall be restricted to areas where outdoor noise levels are less 65 dB CNEL and shall be prohibited in those areas which are greater than 65 dB CNEL except those areas that were designated for residential development prior to the adoption of the General Plan Noise Standards. In those areas, residential uses may be permitted within the 65 to 70 dBA CNEL Noise Contour, if the City Council makes findings that the use was intended prior to the adoption of the General Plan Noise Standards, that substantial resources have been allocated to the planning or construction of that use, that alternative locations for such use are limited or not reasonably available, and that notification to the property owner and future tenants will be given in a legally acceptable manner that significant noise may be present at that location (Implementation Measure N-2.3.A).
- Utilize the Airport Protection Overlay Zone, as appropriate, in review of development projects in the vicinity of Chowchilla Municipal Airport (Policy N-2.4)
- Proposed residential, commercial, and industrial uses shall be consistent with the Chowchilla Municipal Airport Plan (Policy LU-7.4)
  - City shall adhere to the Madera County Airport Land Use Compatibility Plan in the review and approval of development projects (Implementation Measure LU-7.4.A)
  - City shall work with the Chowchilla Airport to find an alternative site for the airport that will not disrupt existing and future residential areas (Implementation Measure LU-7.4.A)
- Coordinate with City Planning Commission and Madera County Airport Land Use Commission considering new residential development that may fall within the existing airport area of influence (Policy LU-13.1)
  - Residential development within the southeasterly approach zone is to be restricted within a horizontal distance extending approximately 3,000 to 4,000 feet southeast of the end of the runway (Implementation Measure LU-13.1.A)
  - City shall require dedication of aviation easements as a condition of approving any development within the Airport Approach Zone (Implementation Measure LU-13.1.B)
  - Incompatible land uses which would diminish the existing operation and the future expansion of the Chowchilla Airport shall be fully evaluated for impacts on the airport prior to approval (Implementation Measure LU-13.1.C)
  - Land Use Element of the Chowchilla General Plan and Chowchilla Zoning Ordinance shall be used to restrict potentially hazardous land uses from being established within Compatibility Zones A & B1 as defined by the Madera County Airport Land Use Compatibility Plan (refer to Figure CI-3) (Implementation Measure LU-13.1.D)
- Alternative locations to the existing airport will be considered by the City for a general aviation airport within the General Plan Planning Area. The City's Airport Commission shall investigate alternative sites for an airport and provide recommendations including proposed development strategy to the City Council (Policy LU-14.1)
  - The criteria for siting a potential airport shall include the following:
    a. Access from existing City urban area.
    b. Surrounding uses and long-term absence of any potential conflicting land uses.
    c. Potential to aggregate parcels of land of sufficient size and orientation for airport development.
    d. Estimated cost of airport development and potential for funding development from non-city sources.
    e. Consistency with State and Federal aviation regulations.

Source: Data compiled by Mintier Harnish. December 2014.

Exhibit 4F, Continued



City of Chowchilla
Chowchilla Sphere of Influence
County Limits
Chowchilla Municipal Airport
Highway
Railroads
Runway
Future Runway

General Plan Designations

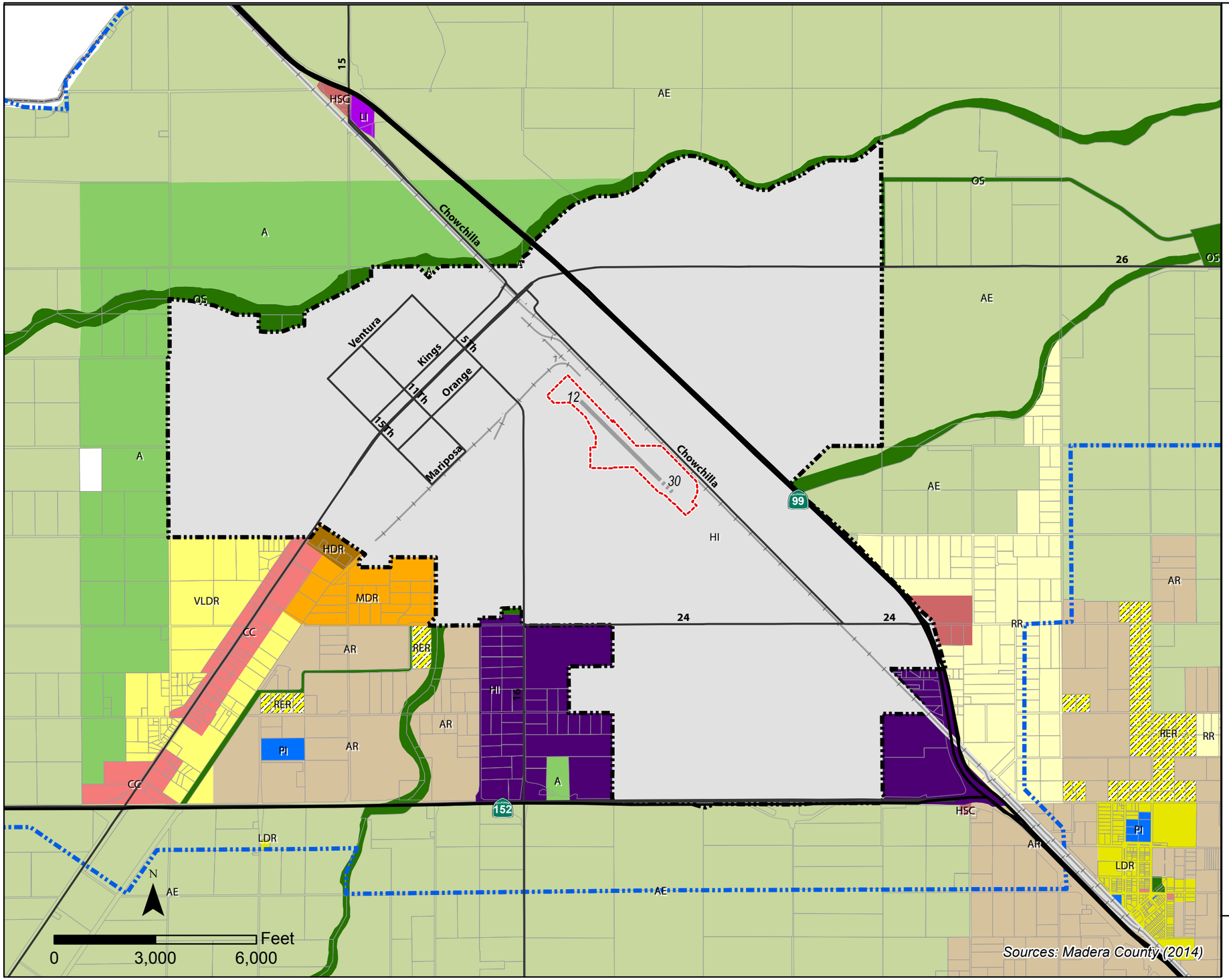
Low Density Residential (0.1-2 units / gross acre)
Medium Density Residential (2-8 units / gross acre)
Med/High Density Residential (8-16 units / gross acre)
High Density Residential (10-24 units / gross acre)
Mixed Use (10-30 units / gross acre; 0.6-3.0 FAR)
Service Commercial (0.15-0.60 FAR)
Highway Commercial (0.15-0.60 FAR)
Downtown Commercial (0.25-3.0 FAR)
Community Commercial
Neighborhood Commercial (0.2-0.6 FAR)
Medical Arts (0.25-0.5 FAR)
Open Space (0.01-0.10 FAR)
Park/Golf Course
Agriculture (0.01-0.15 units / gross acre)
Public Facilities (0.10-1.0 FAR)
Light Industrial (0.15-1.5 FAR)
Heavy Industrial (0.1-1.5 FAR)
Urban Reserve

Madera Countywide
Airport Land Use Compatibility Plan

Sources: City of Chowchilla (2014)

Exhibit 4G

City of Chowchilla General Plan
Chowchilla Municipal Airport



City of Chowchilla
Chowchilla Sphere of Influence
County Limits
Chowchilla Municipal Airport
Highway
Railroads
Runway
Future Runway

General Plan

Agricultural Residential (2 units / parcel)
Agriculture Exclusive (1-2 units / parcel, Max of 0.1 FAR)
Agriculture (1-2 units / parcel, Max of 0.1 FAR)
Open Space (Max of 0.05 units / gross acre, Max of 0.1 FAR)
Neighborhood Commercial (Max of 0.4 FAR)
Community Commercial (Max of 0.6 FAR)
Highway Service Commercial (Max of 0.4 FAR)
Light Industrial (Max of FAR)
Heavy Industrial (Max of FAR)
Public Insitutional (Max of FAR)
Rural Estate Residential (2 units / acre)
Rural Residential (0-0.5 units / acre)
Very Low Density Residential (0-2 units / acre)
Low Density Residential (1-7.5 units / acre)
Medium Density Residential (5-12 units / acre)
High Density Residential (12-25 units / acre)

Madera Countywide
Airport Land Use Compatibility Plan

Exhibit 4H

Madera County General Plan
Chowchilla Municipal Airport

CHAPTER 5

Background Data: Madera Municipal Airport and Environs

5

Background Data: Madera Municipal Airport and Environs

INTRODUCTION

This chapter documents information regarding Madera Municipal Airport and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan* (*ALUCP*) for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

The Madera Municipal Airport is situated in the northwest corner of the Madera city limits, west of State Route 99. The airport falls entirely within the city limits, and shares a border with the city limits to the north and south of the airport property 0.5 miles to the west. The airport is an 893-acre general aviation facility owned and operated by the City of Madera.

The most current Airport Master Plan was prepared in 1993. The most recent Airport Layout Plan (ALP) drawing was approved by the City of Madera and the Federal Aviation Administration (FAA) in 2011. The City is in the midst of updating the ALP. The draft 2014 ALP is pending FAA approval in mid to late 2015. Both ALPs depict existing airport facilities and future airport expansion. The principal differences between the proposed facility improvements reflected on the approved 2011 ALP and the draft 2014 ALP are summarized below.

- The 2011 ALP proposes an 850-foot southeasterly extension of Runway 12/30 for an ultimate runway length of 6,394 feet. The draft ALP shows an ultimate length of 7,000 feet with the 850-foot southeasterly extension as well as a 606-foot extension to the northwest.
- The draft 2014 ALP also shows future abandonment of Runway 8/26 when the agricultural aerial applicator lease expires in 2019. This runway closure is not reflected in the 2011 ALP.

- With the future closure of Runway 8/26, much of the hangar development west of Runway 12/30 is no longer reflected in the draft 2014 ALP.

The information contained on the 2014 draft ALP, together with supplemental information provided by airport personnel, form the foundation for this *ALUCP*. The draft 2014 ALP was accepted by the Caltrans Division of Aeronautics on _____, as the basis of this *ALUCP*.[1]

Airfield Configuration

The airport consists of a two runways in a V-shape configuration. The primary runway, Runway 12-30, is 5,544 feet in length and oriented in a northwest/southeast direction. The primary runway has an Airport Reference Code B-II designation and is designed to accommodate medium-sized jet aircraft (e.g., Cessna Citation VII). Runway 30 is served by a straight-in nonprecision instrument approach with visibility minimums of 1 mile or greater. The second runway, Runway 8-26, is approximately 3,700 feet in length and aligned in a west/east direction. Runway 8-26 is a visual runway and restricted to agricultural aircraft use only.

As indicated above, the draft 2014 ALP reflects several airfield improvements including a future 606-foot runway extension to the northwest and 850-foot extension to the southeast for a future runway length of 7,000 feet. A future straight-in nonprecision approach with visibility minimums of 1 mile is proposed for Runway 12 and visibility minimums of greater than 0.75 miles is proposed for Runway 30. The City also proposes to abandon Runway 8-26 when the agricultural aerial applicator lease expires in 2009. Lastly, a future heliport is proposed west of Runway 12-30.

Aircraft Activity and Forecasts

As no current Airport Master Plan exists, the most recent information detailing airport operations is the FAA's Terminal Area Forecast (TAF). The TAF contains a record of both existing and historical airport operations. The TAF reports 50,950 annual operations as having occurred in 2013, the most recent historical year. This number is the best available data for existing operations and is used in this *ALUCP* as the base year for current (2015) operations.

Given that no current Airport Master Plan is available, this *ALUCP* brings forward the forecast assumed in the 1993 *ALUCP* of 100,000 annual operations. This represents a doubling of existing operations within 20 years, which is a conservative assumption.

Although activity at the Madera Municipal Airport has been relatively flat in the past several years, the draft 2014 ALP shows significant expansion of aircraft storage facilities. The forecast presented here assumes that much of the proposed development will occur within the next 20 years.

Aircraft Traffic Patterns

Prevailing winds at the airport are from north to south which equates to a predominant northern traffic flow where aircraft arrive from the south and depart to the north on Runway 30. The primary traffic pattern for the airport is on the west side of the airfield; right traffic for Runway 12 and left traffic for Runway 30.

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[1] *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.

The draft 2014 ALP depicts a future helipad being constructed west of Runway 12-31. It is assumed that helicopter traffic to this future pad would also remain on the west side and utilize a north to south flow similar to the runway.

Traffic patterns used in the noise model include a western touch-and-go pattern, 45-degree downwind entries and departure, as well as straight-in and straight-out procedures from both runway ends.

SURROUNDING LAND USES

Madera Municipal Airport is located in the heart of the San Joaquin Valley, approximately 30 miles north of the City of Fresno. The City of Madera is located in southwestern Madera County and is a gateway to Yosemite National Park, which lies 115 miles to the northeast.

Existing development immediately surrounding the airport includes a mixture of agricultural, industrial, and recreational uses. The Madera Municipal Golf Course is located immediately west of the airport. West of the golf course and immediately north and south of the airport are agricultural uses. Immediately east of the airport is vacant land and industrial uses, including manufacturing, distribution facilities, and supply centers. Agricultural uses currently underlie the approaches to the primary runway (Runway 12-30). The southern end of the Madera Golf Course underlies the approach to Runway 8. The land immediately east of the approach end of Runway 26 is currently vacant with a mobile home park one-half mile east of the end of the runway.

The City of Madera 2009 General Plan designates future land uses within and around the Madera Municipal Airport. The City designates most of the land within the airport boundary as Other Public-Semi Public and designates the east side of the airport property as Industrial, Office, and Commercial. Immediately west of the airport, the City designates the Madera Municipal Golf Course as Open Space, as well as the land underlying the approaches to Runways 12 (northwest), Runway 30 (southeast), and Runway 8 (west). Resource Conservation/Agriculture is planned immediately east of the approach end of Runway 26. Within the City's sphere of influence, the City designates the land immediately west of the golf course and immediately north and south of the airport boundary as Village Reserve.

The Madera County General Plan designates the unincorporated areas south and west of the airport as Agriculture Exclusive and the unincorporated area to the north as Agriculture, Rural Residential, and Light Industrial.

EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

Exhibit 5A: Airport Features Summary – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

Exhibit 5B: Draft 2014 Airport Layout Plan – Depicts the existing and future airfield configuration and airport building areas. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in _____.

Exhibit 5C: Airport Activity Data Summary – Presents existing (2015) aircraft activity data provided by the FAA Terminal Area Forecast, and future (2035) activity levels which have been brought forward from the 1993 *ALUCP* for purposes of this updated plan.

Exhibits 5D and 5E: Compatibility Factors – Depicts the extents of the four compatibility factors upon which the compatibility zones for Madera Municipal Airport were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 100,000 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft and helicopters operating at the airport routinely fly.
- *Safety* – Generic safety zones provided in the *California Airport Land Use Planning Handbook* (October 2011) are applied to the existing and future runway configurations.
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.

Exhibit 5F: Airport Environs Information – Summarizes information about current and planned land uses in the environs of the Madera Municipal Airport. The status of local general plans and airport land use compatibility policies contained in the County of Madera's and City of Madera's general plans are also summarized.

Exhibit 5G: City of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

Exhibit 5H: County of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

GENERAL INFORMATION

- *Airport Ownership:* City of Madera
- *Property Size*
  - Fee title: 892.71 acres
- *Airport Classification*: General Aviation
- *Airport Elevation*: 255 ft. MSL

BUILDING AREA

- *Location*
  - East side of airfield
- *Facilities*
  - Terminal
  - FBO, Box and T-Hangars
  - Tiedowns
- *Services*
  - Self-serve general aviation 100LL fuel available 24 hours per day; Jet-A fuel available via truck
  - Major airframe and powerplant services

RUNWAY/TAXIWAY DESIGN

Runway 12-30

- *Airport Reference Code*: B-II
- *Critical Aircraft*: Cessna Citation VII
- *Dimensions:* 5,544 ft. long, 150 ft. wide
- *Pavement Strength* (main landing gear configuration)
  - 26,000 lbs. (single-wheel)
  - 40,000 lbs. (dual-wheel)
- *Effective Gradient*: 0.09% (rising to southeast)
- *Runway Lighting:* Medium-intensity runway edge lighting
- *Runway Markings:* Nonprecision
- *Primary Taxiways*: Full-length parallel taxiway on east

Runway 8-26

- *Airport Reference Code*: Restricted Agricultural Use
- *Critical Aircraft*: AT 402
- *Dimensions:* 3,702 ft. long, 150 ft. wide
- *Pavement Strength* (main landing gear configuration)
  - 26,000 lbs. (single-wheel)
  - 40,000 lbs. (dual-wheel)
- *Effective Gradient*: 0.25% (rising to east)
- *Runway Lighting:* None
- *Runway Markings:* Restricted
- *Primary Taxiways*: None; direct access from agricultural FBO south of runway

APPROACH PROTECTION

- *Runway Protection Zones (RPZs)*
  - Runway 12: 500 ft. inner width, 700 ft. outer width, 1,000 ft. long; entirely on airport
  - Runway 30: 1,000 ft. inner width, 1,510 ft. outer width, 1,700 ft. long; entirely on airport
  - Runway 8 & 26: 250 ft. inner width, 450 ft. outer width, 1,000 ft. long; entirely on airport
- *Approach Obstacles:* None

AIRPORT PLANNING DOCUMENTS

- *Airport Master Plan*
  - Adopted in 1993 by City Council
- *Airport Layout Plan*
  - Approved by FAA in 2011
  - Draft 2014 ALP pending FAA approval and acceptance by Caltrans Division of Aeronautics as basis of this ALUCP

TRAFFIC PATTERNS AND APPROACH PROCEDURES

- *Airplane Traffic Patterns*
  - Primary pattern: West of airfield
  - Primary direction: Southeast to northwest (Runway 12/30) and east to west (Runway 8/26)
  - Pattern Altitude: 1,000 ft. AGL
- *FAR Part 77 Category*
  - Runway 12-30: Nonprecision, 34:1 slope [C(NP)]
  - Runway 8-26: Visual, 20:1 slope [B(V)]
- *Instrument Approaches*
  - Runway 12 GPS: Straight-in nonprecision approach (1 mile visibility; 250 ft. AGL minimum descent height); circling (1 mile visibility, 545 ft. AGL minimum descent height)
  - Runway 30 GPS: Straight-in nonprecision approach (1 mile visibility; 250 ft. AGL minimum descent height); circling (1 mile visibility, 545 ft. AGL minimum descent height); VOR also provided with higher minimums
- *Visual Navigational Aids*
  - Airport: Lighted beacon
  - Runway 12: PAPI, REIL
  - Runway 30: PAPI, MALSF
- *Other*
  - Ultralight and parachute jumping on and in vicinity of airport

PROPOSED FACILITY IMPROVEMENTS

- *Airfield*
  - Runway 12-30 extension of 606 ft. to northwest and 849 ft. to southeast for ultimate length of 7,000 ft.
  - Nonprecision approach with visibility minimums of 1 mile to Runway 12 and >0.75 miles to Runway 30
  - Runway Protection Zones (RPZs) for Runway 12-30 increase to 1,000 ft. inner width, 1,510 ft. outer width; 1,700 ft. length; RPZs remain entirely on airport
  - Abandon Runway 8-26 when agricultural aerial applicator lease expires in 2009
  - Future heliport west of Runway 12-30
- *Building Area*
  - Construct additional hangars south of existing apron area

Sources: Airport Layout Plan (2011); FAA Airport Master Record (2014); Airport Layout Plan (Draft October 2014)
Data compiled by Mead & Hunt, Inc. January 2015

Exhibit 5A

Airport Features Summary

Madera Municipal Airport

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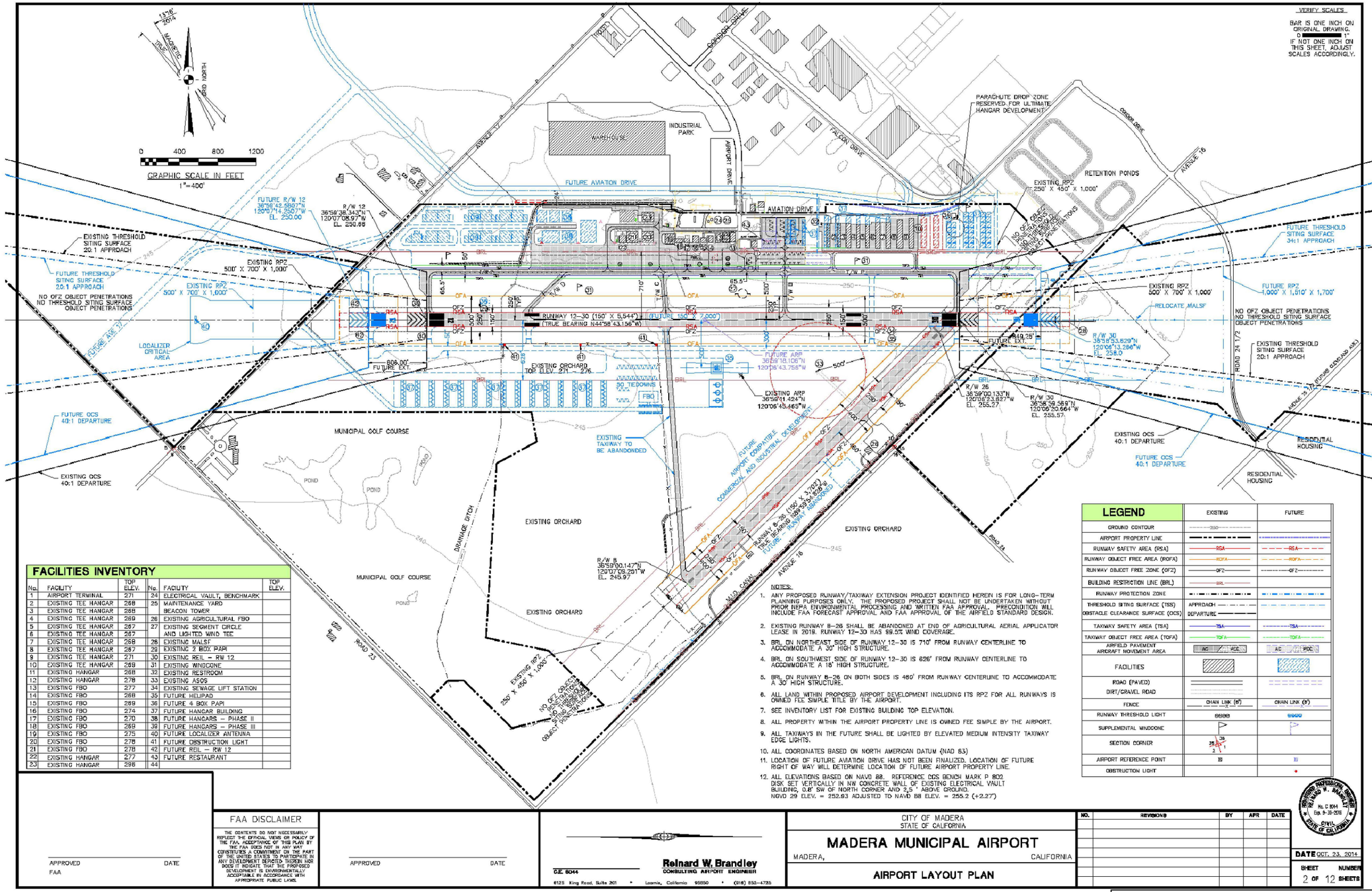

FACILITIES INVENTORY					
No.	FACILITY	TOP ELEV.	No.	FACILITY	TOP ELEV.
1	AIRPORT TERMINAL	271	24	ELECTRICAL VAULT, BENCHMARK	
2	EXISTING TEE HANGAR	268	25	MAINTENANCE YARD	
3	EXISTING TEE HANGAR	268		BEACON TOWER	
4	EXISTING TEE HANGAR	269	26	EXISTING AGRICULTURAL FBO	
5	EXISTING TEE HANGAR	267	27	EXISTING SEGMENT CIRCLE AND LIGHTED WIND TEE	
6	EXISTING TEE HANGAR	267			
7	EXISTING TEE HANGAR	268	28	EXISTING MALSF	
8	EXISTING TEE HANGAR	267	29	EXISTING 2 BOX PAPI	
9	EXISTING TEE HANGAR	271	30	EXISTING REIL – RW 12	
10	EXISTING TEE HANGAR	269	31	EXISTING WINDCONE	
11	EXISTING HANGAR	268	32	EXISTING RESTROOM	
12	EXISTING HANGAR	278	33	EXISTING ASOS	
13	EXISTING FBO	272	34	EXISTING SEWAGE LIFT STATION	
14	EXISTING FBO	268	35	FUTURE HELIPAD	
15	EXISTING FBO	269	36	FUTURE 4 BOX PAPI	
16	EXISTING FBO	274	37	FUTURE HANGAR BUILDING	
17	EXISTING FBO	270	38	FUTURE HANGARS – PHASE II	
18	EXISTING FBO	269	39	FUTURE HANGARS – PHASE III	
19	EXISTING FBO	275	40	FUTURE LOCALIZER ANTENNA	
20	EXISTING FBO	278	41	FUTURE OBSTRUCTION LIGHT	
21	EXISTING FBO	278	42	FUTURE REIL – RW 12	
22	EXISTING HANGAR	277	43	FUTURE RESTAURANT	
23	EXISTING HANGAR	296	44		

NOTES:

1. ANY PROPOSED RUNWAY/TAXIWAY EXTENSION PROJECT IDENTIFIED HEREIN IS FOR LONG-TERM PLANNING PURPOSES ONLY. THE PROPOSED PROJECT SHALL NOT BE UNDERTAKEN WITHOUT PRIOR NEPA ENVIRONMENTAL PROCESSING AND WRITTEN FAA APPROVAL. PRECONDITION WILL INCLUDE FAA FORECAST APPROVAL AND FAA APPROVAL OF THE AIRFIELD STANDARD DESIGN.
2. EXISTING RUNWAY 8-26 SHALL BE ABANDONED AT END OF AGRICULTURAL AERIAL APPLICATOR LEASE IN 2019. RUNWAY 12-30 HAS 95.5% WIND COVERAGE.
3. BRL ON NORTHEAST SIDE OF RUNWAY 12-30 IS 710' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 30' HIGH STRUCTURE.
4. BRL ON SOUTHWEST SIDE OF RUNWAY 12-30 IS 626' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 18' HIGH STRUCTURE.
5. BRL ON RUNWAY 8-26 ON BOTH SIDES IS 460' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 30' HIGH STRUCTURE.
6. ALL LAND WITHIN PROPOSED AIRPORT DEVELOPMENT INCLUDING ITS RPZ FOR ALL RUNWAYS IS OWNED FEE SIMPLE TITLE BY THE AIRPORT.
7. SEE INVENTORY LIST FOR EXISTING BUILDING TOP ELEVATION.
8. ALL PROPERTY WITHIN THE AIRPORT PROPERTY LINE IS OWNED FEE SIMPLE BY THE AIRPORT.
9. ALL TAXIWAYS IN THE FUTURE SHALL BE LIGHTED BY ELEVATED MEDIUM INTENSITY TAXIWAY EDGE LIGHTS.
10. ALL COORDINATES BASED ON NORTH AMERICAN DATUM (NAD 83)
11. LOCATION OF FUTURE AVIATION DRIVE HAS NOT BEEN FINALIZED. LOCATION OF FUTURE RIGHT OF WAY WILL DETERMINE LOCATION OF FUTURE AIRPORT PROPERTY LINE.
12. ALL ELEVATIONS BASED ON NAVD 88. REFERENCE CGS BENCH MARK P 802 DISK SET VERTICALLY IN NW CONCRETE WALL OF EXISTING ELECTRICAL VAULT BUILDING, 0.8' SW OF NORTH CORNER AND 2.5 ' ABOVE GROUND. NGVD 29 ELEV. = 252.83 ADJUSTED TO NAVD 88 ELEV. = 255.2 (+2.27')

LEGEND	EXISTING	FUTURE
GROUND CONTOUR	250	
AIRPORT PROPERTY LINE		
RUNWAY SAFETY AREA (RSA)	RSA	RSA
RUNWAY OBJECT FREE AREA (ROFA)	ROFA	ROFA
RUNWAY OBJECT FREE ZONE (OFZ)	OFZ	OFZ
BUILDING RESTRICTION LINE (BRL)	BRL	
RUNWAY PROTECTION ZONE		
THRESHOLD SITING SURFACE (TSS) / OBSTACLE CLEARANCE SURFACE (OCS)	APPROACH / DEPARTURE	
TAXIWAY SAFETY AREA (TSA)	TSA	TSA
TAXIWAY OBJECT FREE AREA (TOFA)	TOFA	TOFA
AIRFIELD PAVEMENT AIRCRAFT MOVEMENT AREA	AC / PCC	AC / PCC
FACILITIES		
ROAD (PAVED) / DIRT/GRAVEL ROAD		
FENCE	CHAIN LINK (6')	CHAIN LINK (6')
RUNWAY THRESHOLD LIGHT		
SUPPLEMENTAL WINDCONE		
SECTION CORNER		
AIRPORT REFERENCE POINT	19	19
OBSTRUCTION LIGHT		

FAA DISCLAIMER

THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THIS PLAN BY THE FAA DOES NOT IN ANY WAY CONSTITUTES A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED THEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.

APPROVED DATE
FAA

APPROVED DATE

C.E. 6044
Reinard W. Brandley
CONSULTING AIRPORT ENGINEER
6125 King Road, Suite 201 • Laramie, California 95650 • (916) 852-4725

CITY OF MADERA
STATE OF CALIFORNIA

MADERA MUNICIPAL AIRPORT
MADERA, CALIFORNIA

AIRPORT LAYOUT PLAN

NO.	REVISIONS	BY	APP	DATE

REGISTERED PROFESSIONAL ENGINEER REINARD W. BRANDLEY No. C 8044 Exp. 9-30-2016 CIVIL STATE OF CALIFORNIA

DATE OCT. 23, 2014
SHEET NUMBER 2 OF 12 SHEETS

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Source: Madera Municipal Airport Layout Plan (July 2015 Draft). Federal Aviation Administration approval pending Spring 2015.

Exhibit 5B

Airport Layout Plan
Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

BASED AIRCRAFT

	Current [a]	Future [b]
Aircraft Type		
Single-Engine	56	113
Multi-Engine	7	15
Business Jet	8	16
Helicopters	6	12
Other	9	18
Total	**87**	**174**

AIRCRAFT OPERATIONS [a]

	Current	Future [b]
Total		
Annual	50,950 [a]	100,000
Average Day	139	273
Distribution by Aircraft Type		
Single-Engine Fixed Prop	47%	50%
Single-Engine Variable Prop	36%	26%
Twin-Engine Piston	4%	7%
Twin-Engine Turboprop	4%	8%
Business Jet	3%	8%
Helicopter	<1%	1%
Distribution by Type of Operation [a]		
Local (incl. touch-and-goes)	50%	no
Itinerant	50%	change

TIME OF DAY DISTRIBUTION [b]

	Current	Future
All Aircraft		
Day (7 am to 7pm)	88%	no
Evening (7 pm to 10 pm)	8%	change
Night (10 pm to 7 am)	4%	

RUNWAY USE DISTRIBUTION [b]

	Current	Future
Single-Engine Aircraft		
Takeoffs		
Runway 12	14%	15%
Runway 30	84%	85%
Runway 7	1%	—
Runway 25	1%	—
Landings		
Runway 12	14%	15%
Runway 30	84%	85%
Runway 7	1%	—
Runway 25	1%	—
Twin-Engine Reciprocating		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Turboprops		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Jets		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Helicopters		
Takeoffs and Landings		
Runway 12	15%	—
Runway 30	85%	—
Helipad – northerly flow	—	85%
Helipad – southerly flow	—	15%

NOTES:

Current represents 2015 and future is approximately 2035

[a] Source: FAA Terminal Area Forecast

[b] Source: Mead & Hunt based on information provided by airport personnel and in the 1993 Madera County ALUCP

Exhibit 5C

Airport Activity Data Summary

Madera Municipal Airport

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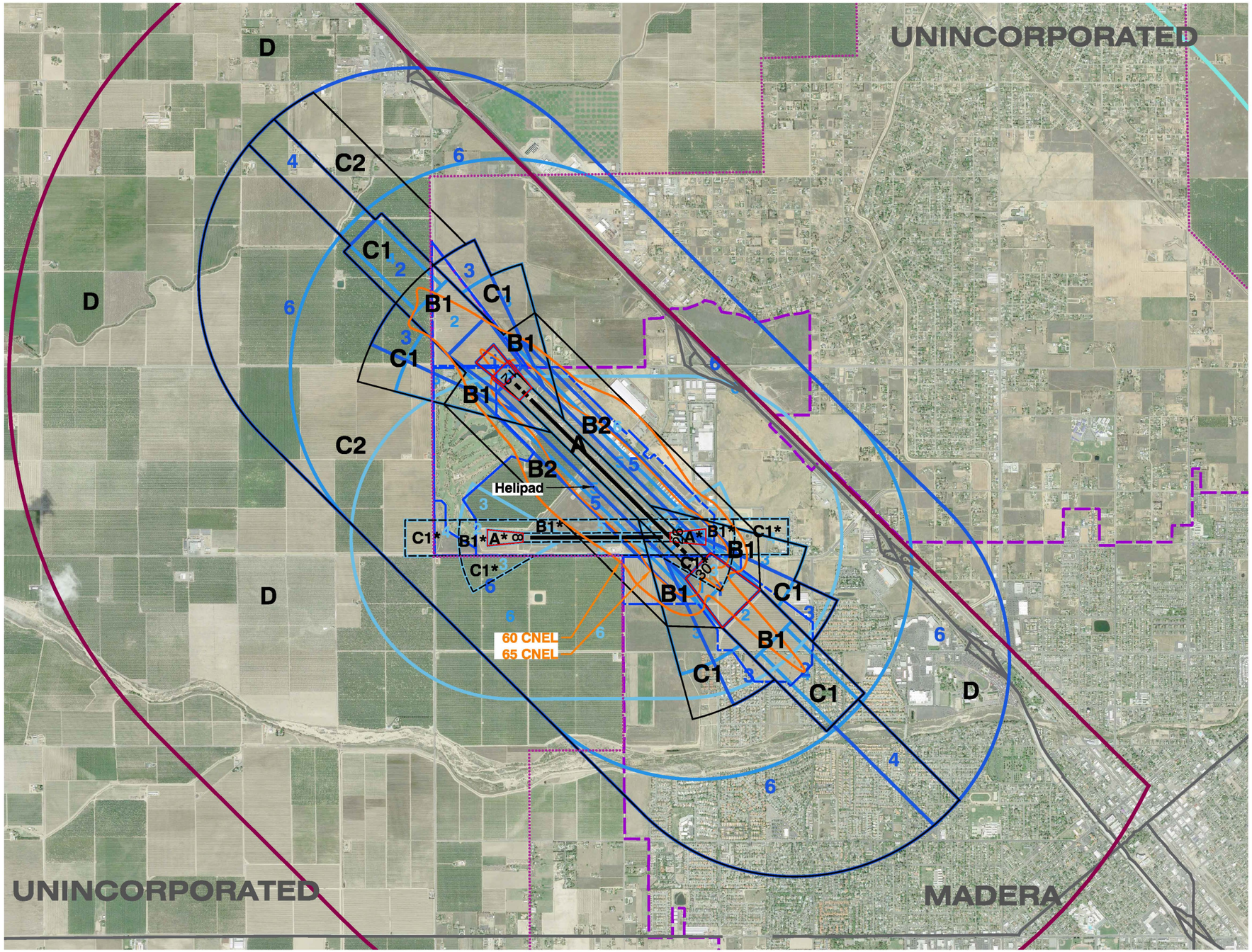

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs
- Runway 8-26 Overlay Zones*

Noise Contours[1] (10,000' Annual Operations)

- 65 dB CNEL
- 60 dB CNEL

Generic Safety Zones[2]

- Short General Aviation Runway
- Medium General Aviation Runway
- Long General Aviation Runway
  - **1** Runway Protection Zone
  - **2** Inner Approach/Departure Zone
  - **3** Inner Turning Zone
  - **4** Outer Approach/Departure Zone
  - **5** Sideline Zone
  - **6** Traffic Pattern Zone

Runway Factors[3]

- Runway Protection Zone

Notes

1. Noise Contour Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).
2. Source: California Airport Land Use Planning Handbook (October 2011). Zone 1 Adjusted to match runway protection zone.
3. Source: Madera Municipal Airport Layout Plan (2014 Draft).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Exhibit 5D

Factors Map: Noise & Safety

Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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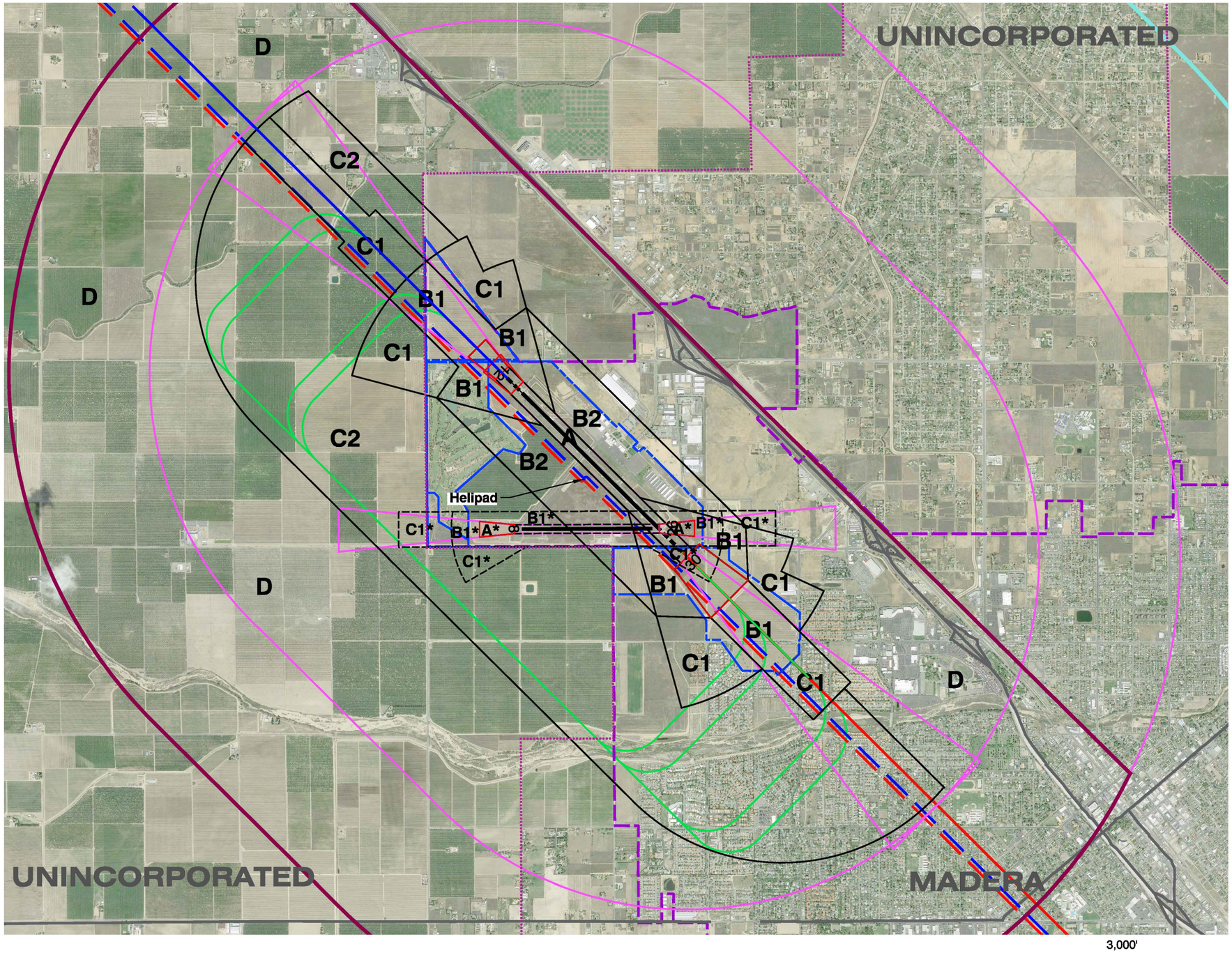

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
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  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs
- Runway 8-26 Overlay Zones*

Airspace Factors

- FAA Obstruction Surfaces (14,000 ft.)[1]
- FAA Height Notification Surface (20,000 ft.; 100:1 slope)
- FAA Wildlife Separation Area (5,000 ft.)[2]

General Aircraft Traffic Pattern[3]

- Arrival
- Departure
- Touch and Go

(Arrival and Departure: Helicopter routes shown as dashed lines)

Notes

1. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011). Part 77 Surfaces refelect nonprecision approachesto Runway 12, 30 ends and visual approaches to Runway 8-26 ends.
2. Source: Federal Aviation Administration Airport Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (August 2007).
3. Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Exhibit 5E

Factors Map: Overflight & Airspace

Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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AIRPORT SITE

- *Location*
  - Northwest corner of Madera city limits
  - Approximately 3 miles northwest of Madera city center
- *Topography*
  - Situated in San Joaquin Valley
  - Approximately 13 miles north of San Joaquin River

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *County of Madera*
  - Unincorporated land immediately north and south of airport boundary
- *City of Madera*
  - Airport falls entirely within city limits
  - Shares a border with city limits on north and south

EXISTING AIRPORT AREA LAND USES

- *General Character*
  - Predominantly agriculture north, south, and west of airport, industrial uses east within Airport Industrial Park. Madera Municipal Golf Course borders airport to west
- *Runway Approaches*
  - Runway 12 (northwest): Agriculture, small number of houses on 5-acre lots
  - Runway 30 (southeast): Agriculture, residential just beyond approach
  - Runway 8 (west): Agriculture
  - Runway 26 (east): Undeveloped and agricultural uses, mobile home park

STATUS OF COMMUNITY PLANS

- *County of Madera*
  - General Plan and General Plan Land Use Map adopted by Board of Supervisors October 24, 1995
- *City of Madera*
  - General Plan adopted by City Council October 7, 2009

PLANNED AIRPORT AREA LAND USES

- *County of Madera*
  - Agriculture Exclusive south and west of airport
  - Agriculture, Rural Residential, and Light Industrial to north
  - Runway 12 approach (northwest): Agriculture Exclusive
  - Runway 8 approach (west): Agriculture Exclusive
- *City of Madera*
  - Other Public-Semi Public for most of airport
  - Industrial, Office, and Commercial east part of airport
  - Madera Municipal Golf Course directly west designated Open Space
  - Runways 8, 12, and 30 approaches (west, northwest and southeast): Open Space
  - Runway 26 approach (east): Resource Conservation/Agriculture
  - Within City Sphere of Influence (west, north and south): Village Reserve[1]

ESTABLISHED AIRPORT COMPATIBILITY MEASURES

County of Madera General Plan

- County shall ensure residential land uses are separated and buffered from airports (Policy I.C.6)
- County shall support continued use of Madera and Chowchilla Municipal Airports as general purpose airports (Policy 2.F.1)
- County shall provide for adequate ground access to Madera and Chowchilla Municipal Airports in its transportation planning and improvements (Policy 2.F.2)
- County shall work with the ALUC in planning land uses around Madera and Chowchilla Municipal Airports to ensure protection of airport operations from urban encroachment (Policy 2.F.3)
- County shall prohibit development in existing Runway Protection Zones as identified in the ALUCP (Policy 2.F.4)
- County shall require discretionary approval of all new private landing strips and helicopter landing sites (Policy 2.F.5)
- County should support development of an eastern county mountain airport (Policy 2.F.6)
- County shall ensure that new development around airports does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards (Policy 6.D.1)
- County shall limit land uses in airport safety zones to those uses listed in the applicable airport comprehensive land use plans (CLUPs) as compatible uses. Exceptions shall be made only as provided for in the CLUPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise (Policy 6.D.2)

City of Madera General Plan

- City supports Madera Municipal Airport in its role as an important part of the local commercial economy (Policy CI-40)
- City shall consider compatibility criteria in the ALUCP and Airport Master Plan in reviewing potential land uses or projects. Projects shall be approved only where consistency with compatibility criteria in the ALUCP can be demonstrated (Policy HS-31)
- Review projects to ensure consistency with ALUCP and Master Plan at earliest possible stage of planning/ entitlement process. A determination on consistency shall be made by the entity (City Council, Planning Commission, Staff) given authority to approve the project pursuant to the zoning ordinance (Action Item HS-31.1)
- Establish and maintain a geographic information system to identify all parcels within the airport influence area and establish a standard review checklist applicable to those projects which includes references to airport compatibility criteria (Action Item HD-31.2)
- City shall ensure that new development near Madera Airport is designed to protect public safety from airport operations consistent with recommendations and requirements of the ALUC, the FAA, and other responsible agencies. It shall be the City's intent to comply with all State laws related to airport land use planning (Policy HS-32)

Source: Data compiled by Mintier Harnish. December 2014

Exhibit 5F

Airport Environs Information

Madera Municipal Airport

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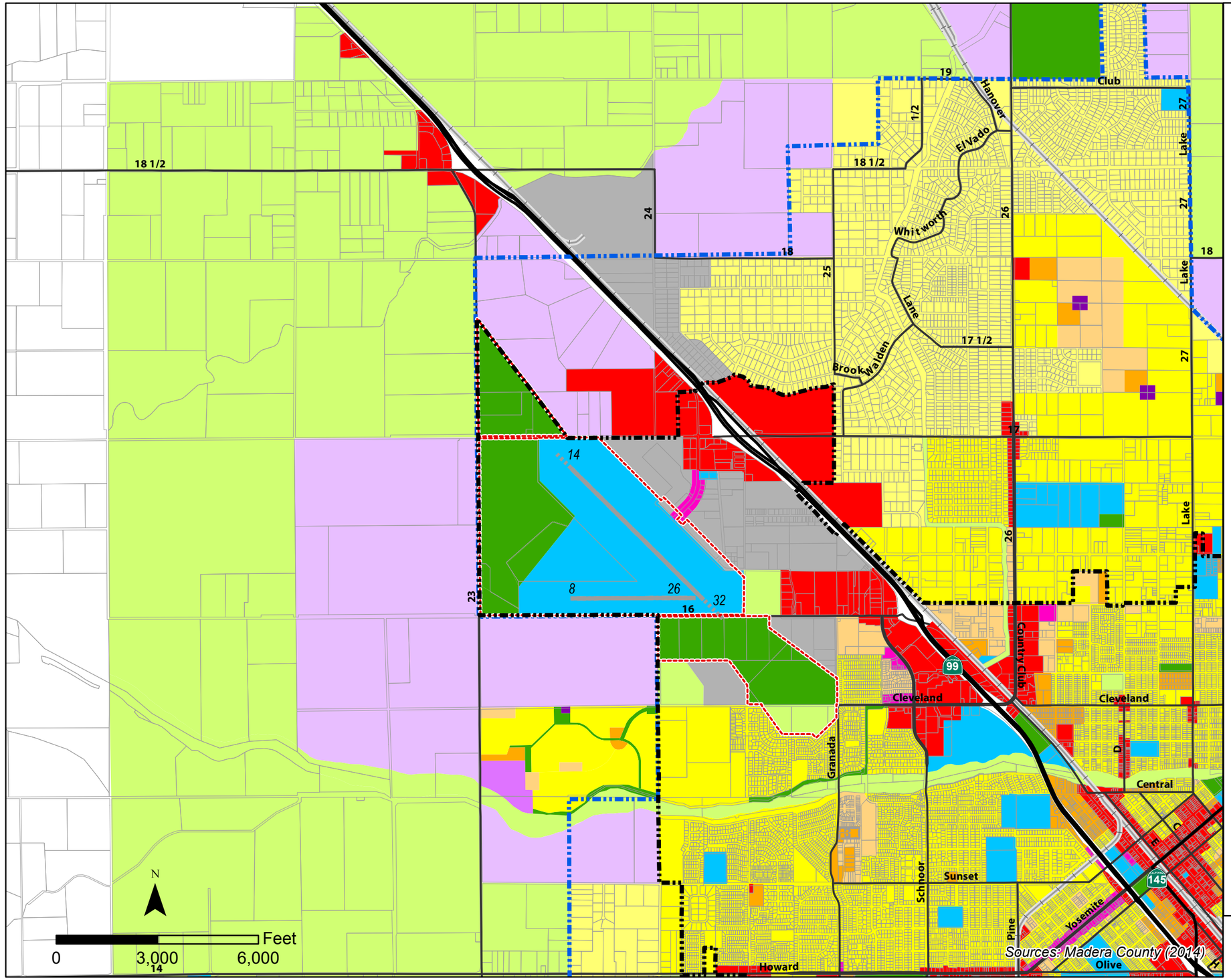


City of Madera
Madera Sphere of Influence
County Limits
Madera Municipal Airport
Highway
Railroad
Runway
Future Runway

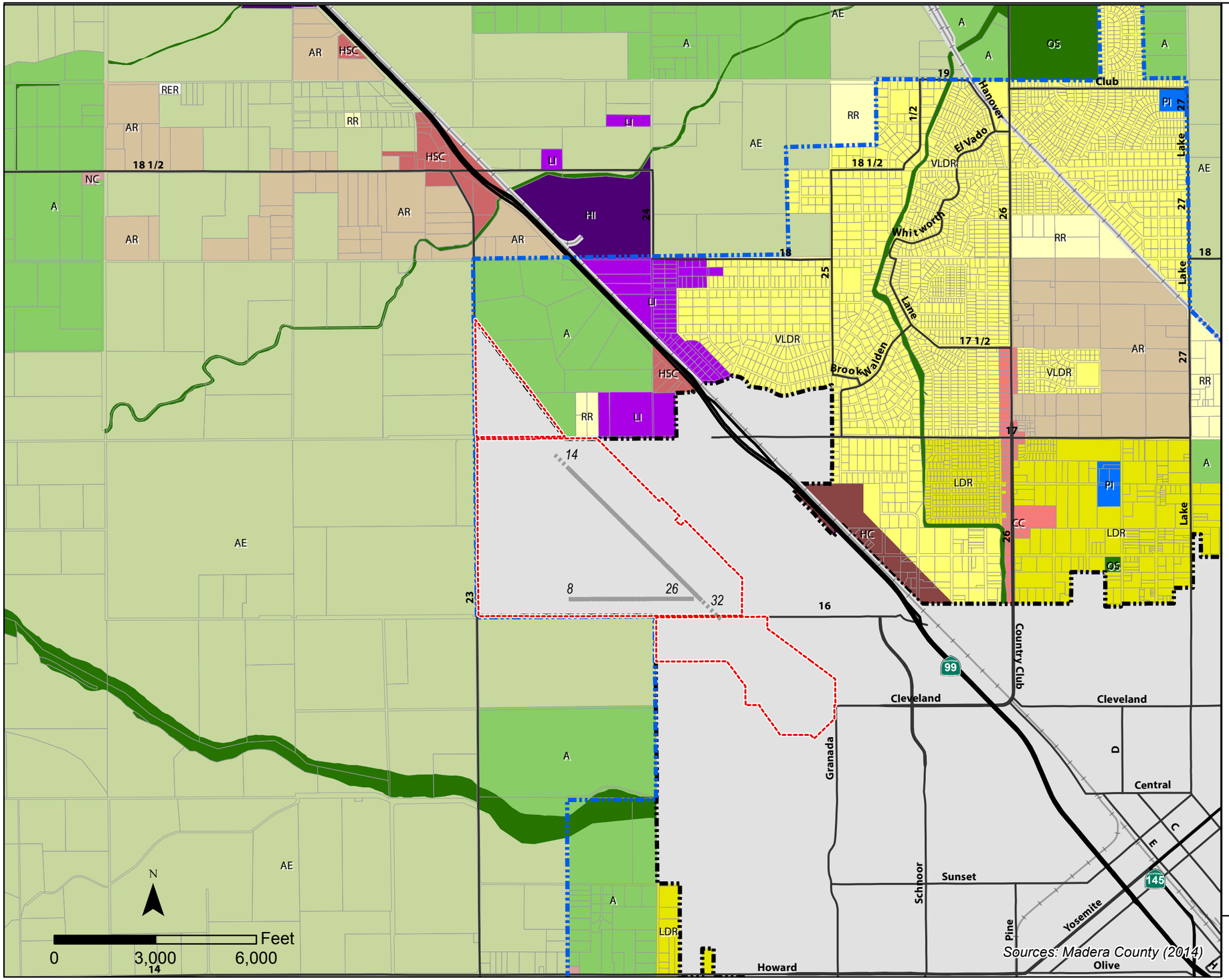
General Plan

Very Low Density Residential (0-2 units / gross acre)
Low Density Residential (2.1-7 units / gross acre)
Medium Density Residential (7.1-15 units / gross acre)
High Density Residential (15.1-50 units / gross acre)
Commercial (Max of 0.30 FAR)
Office (Max of 1.0 FAR)
Neighborhood Mixed Use (Flexible density and intensity)
Village Mixed Use (Flexible density and intensity)
Village Reserve (Flexible density and intensity)
Industrial (Max of 0.80 FAR)
Other Public and Semi-Public
Open Space
Resource Conservation/ Agriculture

Madera Countywide
Airport Land Use Compatibility Plan

Exhibit 5G

City of Madera General Plan
Madera Municipal Airport



- City of Madera
- Madera Sphere of Influence
- County Limits
- Madera Municipal Airport
- Highway
- Railroads
- Runway
- Future Runway

General Plan Designation

- Agricultural Residential (2 units / parcel)
- Agriculture Exclusive (1-2 units / parcel, Max of 0.1 FAR)
- Agriculture (1-2 units / parcel, Max of 0.1 FAR)
- Open Space (Max of 0.05 units / gross acre, Max of 0.1 FAR)
- Neighborhood Commercial (Max of 0.4 FAR)
- Community Commercial (Max of 0.6 FAR)
- Highway Service Commercial (Max of 0.4 FAR)
- Heavy Commercial (Max of 0.4 FAR)
- Light Industrial (Max of 0.5 FAR)
- Heavy Industrial (Max of 0.5 FAR)
- Public Insitutional (Max of 0.9 FAR)
- Rural Residential (0-0.5 units / gross acre)
- Very Low Density Residential (0-2 units / gross acre)
- Low Density Residential (1-7.5 units / gross acre)

Madera Countywide
Airport Land Use Compatibility Plan

Exhibit 5H

Madera County General Plan
Madera Municipal Airport

Appendices

APPENDIX A

State Laws Related to Airport Land Use Planning

Table of Contents

(as of January 2015)

Public Utilities Code

Sections

21670 – 21679.5 Airport Land Use Commission A–3
(complete article)

21402 – 21403 Regulation of Aeronautics A–16
(excerpts pertaining to rights of aircraft flight)

21655, 21658, 21659 Regulation of Obstructions A–17
(excerpts)

21661.5, 21664.5 Regulation of Airports A–19
(excerpts pertaining to approval of new airports and airport expansion)

Government Code

Sections

65302.3 Authority for and Scope of General Plans A–20
(excerpts pertaining to general plans consistency with airport land use plans)

65943 – 65945.7 Application for Development Projects A–21
(excerpts referenced in State Aeronautics Act)

66030 – 66031 Mediation and Resolution of Land Use Disputes A–26
(excerpts applicable to ALUC decisions)

66455.9 School Site Review A–28
(excerpts applicable to ALUCs)

Education Code

Sections

17215 School Facilities, General Provisions A–29
(excerpts pertaining to Department of Transportation review of elementary and secondary school sites)

81033 Community Colleges, School Sites A–30
(excerpts pertaining to Department of Transportation review of community college sites)

Public Resources Code

Sections

21096 California Environmental Quality Act, Airport Planning.....A–32
(excerpts pertaining to projects near airports)

Business and Professions Code

Sections

11010 Regulation of Real Estate Transactions, Subdivided Lands.....A–33
(excerpts regarding airport influence area disclosure requirements)

Civil Code

Sections

1103 – 1103.4 Disclosure of Natural Hazards upon Transfer of Residential Property A–34
1353 Common Interest Developments A–38
(excerpts regarding airport influence area disclosure requirements)

Legislative History Summary

Airport Land Use Commission Statutes A–39

AERONAUTICS LAW

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

21670. Creation; Membership; Selection

(a) The Legislature hereby finds and declares that:

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

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

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

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

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

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

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

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

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

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

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

(a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. Application to Counties Having over 4 Million in Population

(a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating the airport planning of public

agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3 San Diego County

(a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

21670.4. Intercounty Airports

(a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

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

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21670.6. Court and Mediation Proceedings

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

21671. Airports Owned by a City, District or County

In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. Term of Office

(a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies, shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to

charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Rules and Regulations

Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. Initiation of Proceedings for Creation by Owner of Airport

In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

21674. Powers and Duties

The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. Training of Airport Land Use Commission's Staff

(a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements that should be included in the airport land use compatibility plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

(1) By offering formal courses or training programs.

(2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.

(3) By producing and making available written information.

(4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. Airport Land Use Planning Handbook

(a) An airport land use commission that formulates, adopts or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

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

21675. Land Use Plan

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

the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.

(d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.

(e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. Adoption of Land Use Plan

(a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing

body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

(a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. Review of Local General Plans

(a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission

and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. Review of Local Plans

(a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. Airport Owner's Immunity

With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

21679. Court Review

(a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:

  (1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.

  (3) Rescinds the action.

  (4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

(f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. Deferral of Court Review

(a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency,

directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991 date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 3—Regulation of Aeronautics
(excerpts)

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight described in Section 21403. No use shall be made of such airspace which would interfere with such right of flight; provided that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

21403. Lawful Flight; Flight Within Airport Approach Zone

(a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.

(b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:

(1) A forced landing.

(2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.

(3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street.

The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.

(c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1
Chapter 4—Airports and Air Navigation Facilities
Article 2.7—Regulation of Obstructions
(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport Boundary

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The department shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Hazards Near Airports Prohibited

(a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

(b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.

(c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW

PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4
Article 3—Regulation of Airports
(excerpts)

21661.5. City Council or Board of Supervisors and ALUC Approvals

(a) No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by that commission in accordance with the provisions of that article.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of a plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. Amended Airport Permits; Airport Expansion Defined

(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

(c) This section does not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval, on or prior to that effective date, of each governmental agency that required the approval by law.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 1—Planning and Zoning
Chapter 3—Local Planning
Article 5—Authority for and Scope of General Plans
(excerpts)

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrence Findings

(a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

(d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7, Division 1
Chapter 4.5—Review and Approval of Development Projects
Article 3—Application for Development Projects
(excerpts)

Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.

65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion

(a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.

(b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for purposes of this chapter.

(c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency on the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

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

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

65943.5.

(a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.

(b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:

(1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.

(2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.

(c) For purposes of subdivision (b), "environmental permit" has the same meaning as defined in Section 72012 of the Public Resources Code, and "environmental agency" has the same meaning as defined in Section 71011 of the Public Resources Code, except that "environmental agency" does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

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

(a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

(b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.

(c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

(d) (1) After a public agency accepts an application as complete, and if the project applicant has identified that the proposed project is located within 1,000 feet of a military installation or within special use airspace or beneath a low-level flight path in accordance with Section 65940, the public agency shall provide a copy of the complete application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications. This

subdivision shall apply only to development applications submitted to a public agency 30 days after the Office of Planning and Research has notified cities, counties, and cities and counties of the availability of Department of Defense information on the Internet pursuant to subdivision (d) of Section 65940.

(2) Except for a project within 1,000 feet of a military installation, the public agency is not required to provide a copy of the application if the project is located entirely in an "urbanized area." An urbanized area is any urban location that meets the definition used by the United State Department of Commerce's Bureau of Census for "urban" and includes locations with core census block groups containing at least 1,000 people per square mile and surrounding census block groups containing at least 500 people per square mile.

(e) Upon receipt of a copy of the application as required in subdivision (d), any branch of the United States Armed Forces may request consultation with the public agency and the project applicant to discuss the effects of the proposed project on military installations, low-level flight paths, or special use airspace, and potential alternatives and mitigation measures.

(f) (1) Subdivisions (d), (e), and (f) as these relate to low-level flight paths, special use airspace, and urbanized areas shall not be operative until the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations, at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(2) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subdivision (d) within 30 days of receiving this notice from the office.

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

(a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to receive notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:

(1) A general plan.

(2) A specific plan.

(3) A zoning ordinance.

(4) An ordinance affecting building permits or grading permits.

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

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

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

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

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

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

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

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

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

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

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

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

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

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 9.3—Mediation and Resolution of Land Use Disputes

(excerpts)

66030.

(a) The Legislature finds and declares all of the following:

(1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.

(2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

(3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.

(b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

(a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:

(1) The approval or denial by a public agency of any development project.

(2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).

(4) Fees determined pursuant to Chapter 6 (commencing with Section 17620) of Division 1 of Part 10.5 of the Education Code or Chapter 4.9 (commencing with Section 65995).

(5) Fees determined pursuant to the Mitigation Fee Act (Chapter 5 (commencing with Section 66000)), Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section

66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020)).

(6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).

(7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).

(8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).

(10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.

(b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.

(c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:

(1) The council of governments having jurisdiction in the county where the dispute arose.

(2) Any subregional or countywide council of governments in the county where the dispute arose.

(3) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.

(d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7—Planning and Land Use
Division 2—Subdivisions
Chapter 3—Procedure
Article 3—Review of Tentative Map by Other Agencies
(excerpts)

66455.9.

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

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

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites, before acquiring title to or leasing property for a new school site, the governing board of each school district, including any district governed by a city board of education or a charter school, shall give the State Department of Education written notice of the proposed acquisition or lease and shall submit any information required by the State Department of Education if the site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.

(b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition or lease. If the Department of Transportation is no longer in operation, the State Department of Education shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition or lease for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

(c) The Department of Transportation shall investigate the site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition or lease of the site. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the site. The Department of Transportation shall adopt regulations setting forth the criteria by which a site will be evaluated pursuant to this section.

(d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district or charter school. The governing board or charter school may not acquire title to or lease the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school may not acquire title to or lease the property. If the report does favor the acquisition or lease of the property for a school site or an addition to a present school site, the governing board or charter school shall hold a public hearing on the matter prior to acquiring or leasing the site.

(e) If the Department of Transportation's recommendation does not favor acquisition or lease of the proposed site, state funds or local funds may not be apportioned or expended for the acquisition or lease of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.

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

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

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

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

Immediately after receiving notice of the proposed acquisition of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation and report to the board of governors within 30 working days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors, in lieu of notifying the Division of Aeronautics, shall notify the Federal Aviation Administration or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the authority or other agency any information or assistance it may desire to give.

The board of governors shall investigate the proposed site and, within 35 working days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

(d) If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under subdivision (c) does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to that community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for a community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or of the county in which the

district lies shall be expended for those purposes; However, this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to those sites.

If the recommendation of the Division of Aeronautics is unfavorable, the recommendation shall not be overruled without the express approval of the board of governors and the State Allocation Board.

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE
Division 13—Environmental Quality
Chapter 2.6—General
(excerpts)

21096. Airport Planning

(a) If a lead agency prepares an environmental impact report for a project situated within airport land use compatibility plan boundaries, or, if an airport land use compatibility plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.

(b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

BUSINESS AND PROFESSIONS CODE
Division 4—Real Estate
Part 2—Regulation of Transactions
Chapter 1—Subdivided Lands
Article 2—Investigation, Regulation and Report
(excerpts)

11010.

(a) Except as otherwise provided pursuant to subdivision (c) or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Bureau of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the bureau.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (12) omitted]

(13) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

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

1103.

(a) Except as provided in Section 1103.1, this article applies to the transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).

(c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent is required by one or more of the following to disclose the property's location within a hazard zone:

(1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(2) … is located within an area of potential flooding … shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding …

(3) … is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code … shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 …

(4) … is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code … shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone …

(5) … is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code … shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone …

(6) … is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 …

(d) Any waiver of the requirements of this article is void as against public policy.

1103.1.

(a) This article does not apply to the following transfers:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one coowner to one or more other coowners.

(5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.

(7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.

(9) Transfers or exchanges to or from any governmental entity.

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

1103.2.

(a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: [content omitted].

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

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

[Section 1103.3 omitted]

1103.4.

(a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement.

(1) In responding to the request, the expert shall determine whether the property is within an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

> NOTICE OF AIRPORT IN VICINITY
>
> This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for

example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

[Remainder of Article 1.7 omitted]

CIVIL CODE
Division 4
Part 5—Common Interest Developments
Chapter 3—Governing Documents
Article 2—Declaration
(excerpts)

4250.

(a) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes.

(b) The declaration may contain any other matters the declarant or the members consider appropriate.

4250.

(a) If property common interest development is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

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

(b) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

(c) [Omitted]

(d) The statement in a declaration acknowledging that a property is located in an airport influence area … does not constitute a title defect, lien, or encumbrance.

4260.

Except to the extent that a declaration provides by its express terms that it is not amendable, in whole or in part, a declaration that fails to include provisions permitting its amendment at all times during its existence may be amended at any time.

LEGISLATIVE HISTORY SUMMARY[1]

PUBLIC UTILITIES CODE
Sections 21670 et seq.
Airport Land Use Commission Statutes
And Related Statutes

1967 Original ALUC statute enacted.

- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
- The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.

1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970—Adds provisions which:

- Require ALUCs to prepare comprehensive land use plans.
- Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
- Require ALUC review of airport construction plans (Section 21661.5).
- Exempt Los Angeles County from the requirement of establishing an ALUC.

1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.

1973 ALUCs are permitted to establish compatibility plans for military airports.

1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982—Adds major changes which:

- More clearly articulate the purpose of ALUCs.
- Eliminate reference to "achieve by zoning."
- Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
- Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
- Require that local agencies make findings of fact before overriding an ALUC decision.
- Change the vote required for an override from 4/5 to 2/3.

1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984—Amends the law to:

- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
- Limit amendments to compatibility plans to once per year.
- Allow individual projects to continue to be referred to the ALUC by agreement.
- Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.

[1] Source: California Airport Land Use Planning Handbook (October 2011)

- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process.

1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987—Makes revisions which:

- Require that a designated body serving as an ALUC include two members having "expertise in aviation."
- Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
- Delete *sunset* provisions contained in certain clauses of the law. Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.

1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989—

- Sets a requirement that comprehensive land use plans be completed by June 1991.
- Establishes a method for compelling ALUCs to act on matters submitted for review.
- Allows ALUCs to charge fees for review of projects.
- Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.

1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989—Appropriates $3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.

1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990—Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.

1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990—With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.

1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990—Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.

1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991—

- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
- Allows ALUCs to continue to charge fees under these circumstances.
- Fees may be charged only until June 30, 1992, if plans are not completed by then.

1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993—Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)

1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 —Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans approval. Requires that ALUCs be guided by information in the Caltrans *Airport Land Use Planning Handbook* when formulating airport land use plans.

1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994—Amends California Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.

1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997—Added Section 21670.4 concerning airports whose planning boundary straddles a county line.

2000 Senate Bill 1350 (Rainey) Chapter 506, Statutes of 2000—Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.

2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.

2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term "comprehensive land use plan" to "airport land use compatibility plan."

2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.

2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.

Adds that prior to granting building construction permits, local agencies shall be guided by the criteria established in the Airport Land Use Planning Handbook and any related federal aviation regulations to the extent that the criteria has been incorporated into their airport land use compatibility plan.

2004 Senate Bill 1223 (Committee on Transportation) Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term "comprehensive land use plan" and replacing it with "airport land use compatibility plan." Also replaces the terms "planning area" and "study area" with "airport influence area."

2005 Assembly Bill 1358 (Mullin) Chapter 29, Statutes of 2005—Requires a school district to notify the Department of Transportation before leasing property for a new school site within two miles of an airport. Also makes these provisions applicable to charter schools.

2007 Senate Bill 10 (Kehoe) Chapter 287, Statutes of 2007—The San Diego County Regional Airport Authority Reform Act of 2007. Restructures the airport authority established in 2001 by AB 93 (Wayne), with a set of goals related to governance, accountability, planning and operations at San Diego International Airport.

2009 Assembly Bill 45 (Blakeslee) Chapter 404, Statutes of 2009—Requires small wind energy systems installed near airports to comply with all applicable Federal Aviation Administration requirements, including Subpart B of Part 77. These systems are not allowed to locate in vicinity of an airport if they are prohibited by a comprehensive land use plan or any implementing regulations adopted by an Airport Land Use Commission.

2010 Senate Bill 1333 (Yee) Chapter 329, Statutes of 2010—If a local government requires dedication of an avigation easement to the owner or operator of the airport as a condition of approval of a noise-sensitive project, the avigation easement must be granted prior to the issuance of the building permit. Also requires that a termination clause be included in the avigation easement if the project is not built or the permit has expired or been revoked.

2012 Assembly Bill 805 (Torres) Chapter 180, Statutes of 2012—Recodifies the Common Interest Development Act which requires a recorded disclosure statement if a common interest development is located within an airport influence area.

2012 Assembly Bill 1486 (Lara) Chapter 690, Statutes of 2012—Exempts from CEQA the design, construction and maintenance of certain structures and equipment of the Los Angeles Regional Interoperable Communications System (LA-RICS). However, any new antenna would be required to comply with applicable state and federal height restrictions and any height limits established by an applicable airport land use compatibility plan.

2013 Assembly Bill 1058 (Chàvez) Chapter 83, Statutes of 2013—Modifies the process by which directors are appointed to the San Diego County Regional Airport Authority; the entity responsible for preparing, adopting and amending airport land use compatibility plans for each airport in San Diego County.

2013 Assembly Bill 758 (Block) Chapter 606, Statutes of 2013—Provides the City of Coronado with 540 days, instead of the standard 180 days, of any amendment to the airport land use compatibility plan to amend its general plan and any applicable specific plan.

APPENDIX B

Methods for Determining Concentrations of People

INTRODUCTION

The underlying safety compatibility criterion employed in this *ALUCP* is "usage intensity"—the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum intensity, it is considered incompatible and thus inconsistent with compatibility planning policies. The usage intensity concept is identified in the *California Airport Land Use Planning Handbook* as the measure best suited for assessment of land use safety compatibility with airports. The *Handbook* is published by the California Department of Transportation, Division of Aeronautics is required under state law to be used as a guide in preparation of airport land use compatibility plans.

It is recognized, though, that "people per acre" is not a common measure in other facets of land use planning. This *ALUCP* therefore also utilizes the more common measure of floor area ratio (FAR) as a means of implementing the usage intensity criteria on the local level. This appendix both provides guidance on how the usage intensity determination can be made and defines the relationships between this measure, FAR, and other measures found in land use planning. Table B2 shows sample calculations.

COUNTING PEOPLE

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

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

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

Survey of Similar Uses

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

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

Maximum Occupancy

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

A commonly used source of maximum occupancy data is the standards set in the California Building Code (CBC). The chart reproduced as Table B1 indicates the Occupancy Load Factors for various types of uses. The CBC, though, is intended primarily for purposes of structural design and fire safety and represents a legal maximum occupancy in most jurisdictions. A CBC-based methodology consequently results in occupancy numbers that are higher than normal maximum usage in most instances. The numbers also are based upon usable floor area and do not take into account corridors, stairs, building equipment rooms, and other functions that are part of a building's gross square footage. Surveys of actual Occupancy Load Factors conducted by various agencies have indicated that many retail and office uses are generally occupied at no more than 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the *Handbook* indicates that the number of people calculated for office and retail uses can usually be divided in half to reflect the actual occupancy levels before making the final people-per-acre determination. Even with this adjustment, the CBC-based methodology typically produces intensities at the high end of the likely range.

Another source of data on square footage per occupant comes from the facility management industry. The data is used to help businesses determine how much building space they need to build or lease and thus tends to be more generous than the CBC standards. The numbers vary not only by the type of facility, as with the CBC, but also by type of industry. The following are selected examples of square footage per *employee* gathered from a variety of sources.

- Call centers 150 – 175
- Typical offices 180 – 250
- Law, finance, real estate offices 300 – 325
- Research & development, light industry 300 – 500
- Health services 500

The numbers above do not take into account the customers who may also be present for certain uses. For retail business, dining establishments, theaters, and other uses where customers outnumber employees, either direct measures of occupancy—the number of seats, for example—or other methodologies must be used to estimate the potential number of people on the site.

Parking Space Requirements

For many jurisdictions and a wide variety of uses, the number of people present on a site can be calculated based upon the number of automobile parking spaces that are required. Certain limitations and assumptions must be considered when applying this methodology, however. An obvious limitation is that parking

space requirements can be correlated with occupancy numbers only where nearly all users arrive by private vehicle rather than by public transportation, walking, or other method. Secondly, the jurisdiction needs to have a well-defined parking ordinance that lists parking space requirements for a wide range of land uses. For most uses, these requirements are typically stated in terms of the number of parking spaces that must be provided per 1,000 square feet of gross building size or a similar ratio. Lastly, assumptions must be made with regard to the average number of people who will arrive in each car.

Both of the critical ratios associated with this methodology—parking spaces to building size and occupants to vehicles—vary from one jurisdiction to another even for the same types of uses. Research of local ordinances and other sources, though, indicates that the following ratios are typical.

- **Parking Space Ratios**—These examples of required parking space requirements are typical of those found in ordinances adopted by urban and suburban jurisdictions. The numbers are ratios of spaces required per 1,000 square feet of gross floor area. Gross floor area is normally measured to the outside surfaces of a building and includes all floor levels as well as stairways, elevators, storage, and mechanical rooms.
  - Small Restaurants 10.0
  - Medical Offices 4.0 – 5.7
  - Shopping Centers 4.0 – 5.0
  - Health Clubs 3.3 – 5.0
  - Business Professional Offices 3.3 – 4.0
  - Retail Stores 3.0 – 3.5
  - Research & Development 2.5 – 4.0
  - Manufacturing 2.0 – 2.5
  - Furniture, Building Supply Stores 0.7 – 1.0
- **Vehicle Occupancy**—Data indicating the average number of people occupying each vehicle parking at a particular business or other land use can be found in various transportation surveys. The numbers vary both from one community or region to another and over time, thus current local data is best if available. The following data represent typical vehicle occupancy for different trip purposes.
  - Work 1.05 – 1.2
  - Education 1.2 – 2.0
  - Medical 1.5 – 1.7
  - Shopping 1.5 – 1.8
  - Dining, Social, Recreational 1.7 – 2.3

USAGE INTENSITY RELATIONSHIP TO OTHER DEVELOPMENT MEASURES

Calculating Usage Intensities

Once the number of people expected in a particular development—both over the entire site and within individual buildings—has been estimated, the usage intensity can be calculated. The criteria in Chapter 3 of this *ALUCP* are measured in terms of the average intensity over the entire project site.

The average intensity is calculated by dividing the total number of people on the site by the site size. A 10-acre site expected to be occupied by as many as 1,000 people at a time, thus would have an average intensity of 100 people per acre. The site size equals the total size of the parcel or parcels to be developed.

Having calculated the usage intensities of a proposed development, a comparison can be made with the criteria set forth in the *ALUCP* to determine whether the proposal is consistent or inconsistent with the policies.

Comparison with Floor Area Ratio

As noted earlier, usage intensity or people per acre is not a common metric in land use planning. Floor area ratio or FAR—the gross square footage of the buildings on a site divided by the site size—is a more common measure in land use planning. Some counties and cities adopt explicit FAR limits in their zoning ordinance or other policies. Those that do not set FAR limits often have other requirements such as, a maximum number of floors a building can have, minimum setback distances from the property line, and minimum number of parking spaces. These requirements effectively limit the floor area ratio as well.

To facilitate local jurisdiction implementation, the safety compatibility criteria in the Basic Compatibility Criteria table in Chapter 3 have been structured around FAR measures to determine usage intensity limits for many types of nonresidential land use development. To utilize FAR in this manner, a critical additional piece of information is necessary to overcome the major shortcoming of FAR as a safety compatibility measure. The problem with FAR is that it does not directly correlate with risks to people because different types of buildings with the same FAR can have vastly different numbers of people inside—a low-intensity warehouse versus a high-intensity restaurant, for example. For FAR to be applied as a factor in setting development limitations, assumptions must be made as to how much space each person (employees and others) in the building will occupy. The Basic Compatibility Criteria table therefore indicates the assumed Occupancy Load Factor for various land uses. Mathematically, the relationship between usage intensity and FAR is:

$$\text{FAR} = \frac{\text{(allowable usage intensity) x (Occupancy Load Factor)}}{43{,}560}$$

where *usage intensity* is measured in terms of people per acre and Occupancy Load Factor as square feet per person.

Selection of the usage intensity, occupancy level, and FAR numbers that appear in the Basic Compatibility Criteria table was done in an iterative manner that considered each of the components both separately and together. Usage intensities were initially set with respect to guidelines provided in the *California Airport Land Use Planning Handbook*. Occupancy levels were derived from the CBC, but were adjusted based upon additional research from both local and national sources in the manner discussed earlier in this appendix. The FAR limits were initially calculated from these other two numbers using the formula above.

Comparison with Parking Space Requirements

As discussed above, many jurisdictions have adopted parking space requirements that vary from one land use type to another. Factoring in an estimated vehicle occupancy rate for various land uses as described earlier, the Occupancy Load Factor can be calculated. For example, a typical parking space requirement for office uses is 4.0 spaces per 1,000 square feet or 1 space per 250 square feet. If each vehicle is assumed to be occupied by 1.1 persons, the equivalent Occupancy Load Factor would be 1 person per 227 square feet. This number falls squarely within the range noted above that was found through separate research of norms used by the facility management industry.

As an added note, the Occupancy Load Factor of 215 square feet per person indicated in the Basic Compatibility Criteria table for office uses is slightly more conservative than the above calculation produces. This means that, for a given usage intensity standard, the FAR limit in the table is slightly more restrictive than would result from a higher Occupancy Load Factor.

Function of Space	Floor area per occupant (sq. ft.)
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	
Gaming floors (keno, slots, etc.)	11 gross
Assembly with fixed seats	See Section 1004.7
Assembly without fixed seats	
Concentrated (chairs only-not fixed)	15 net
Standing space	5 net
Unconcentrated (tables and chairs)	7 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms-other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	
Inpatient treatment areas	240 gross
Outpatient treatment areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Laboratory	
Educational	50 net
Laboratories, non-educational	100 net
Laboratory suite	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Locker rooms	50 gross
Mercantile	
Areas on other floors	60 gross
Basement and grade floor areas	30 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

Source: California Building Code (2007), Table 1004.1.1

Table B1

Occupancy Load Factors

California Building Code

Example 1

Proposed Development: Two office buildings, each two stories and containing 20,000 square feet of floor area per building. Site size is 3.0 net acres. Counting a portion of the adjacent road, the gross area of the site is 3.5± acres.

A. Calculation Based on Parking Space Requirements

For office uses, assume that a county or city parking ordinance requires 1 parking space for every 300 square feet of floor area. Data from traffic studies or other sources can be used to estimate the average vehicle occupancy. For the purposes of this example, the typical vehicle occupancy is assumed to equal 1.5 people per vehicle.

The average usage intensity would therefore be calculated as follows:

1) 40,000 sq. ft. floor area x 1.0 parking space per 300 sq. ft. = 134 required parking spaces
2) 134 parking spaces x 1.5 people per space = 201 people maximum on site
3) 201 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

B. Calculation Based on Uniform Building Code

Using the UBC (Table C1) as the basis for estimating building occupancy yields the following results for the above example:

1) 40,000 sq. ft. bldg. ÷ 100 sq. ft./occupant = 400 people max. bldg. occupancy (under UBC)
2) 400 max. bldg. occupancy x 50% adjustment = 200 people maximum on site
3) 200 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

C. Calculation of Single Acre Intensity

Assuming that occupancy of each building is relatively equal throughout, but that there is some separation between the buildings and outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 20,000 sq. ft. bldg. ÷ 2 stories = 10,000 sq. ft. bldg. footprint
2) 10,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.23 acre bldg. footprint
3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 100 people per single acre (i.e., 200 people max. on site ÷ 2 bldgs.)

Conclusions: In this instance, both methodologies yield the same results. The 57 people per average acre and the 100 people per single acre results must be compared with the intensity limits provided in the Basic Compatibility Criteria table in Chapter 3. The proposed use would meet the maximum and single-acre intensity criteria for all *Compatibility Zones,* except *Zones A* (0 people per acre) and *B1* (25 people per acre on average; 50 people per single-acre).

Table B2

Sample People-Per-Acre Calculations

Example 2

Proposed Development: Single-floor furniture store containing 24,000 square feet of floor area on a site of 2.0 gross acres and the net acreage (less internal roadways) is 1.7 acres.

A. Calculation Based on Parking Space Requirements

For furniture stores, assume that a county or city parking ordinance requires 1 parking space per 1,500 square feet of use area. Assuming 1.5 people per automobile results in the following intensity estimates:

The average usage intensity would be:

1) 24,000 sq. ft. bldg. x 1.0 parking space per 1,500 sq. ft. = 16 required parking spaces
2) 16 parking spaces x 1.5 people per space = 24 people maximum on site
3) 24 people ÷ 2.0 acres gross site size = 12 people per acre average for the site

B. Calculation Based on Uniform Building Code

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

1) 12,000 sq. ft. retail floor area ÷ 30 sq. ft./occupant = 400 people max. occupancy in retail area
2) 12,000 sq. ft. warehouse floor area ÷ 500 sq. ft./occupant = 24 people max. occupancy in warehouse area
3) Maximum occupancy under UBC assumptions = 400 + 24 = 424 people
4) Assuming typical peak occupancy is 50% of UBC numbers = 212 people maximum on site
5) 212 people ÷ 2.0 acres = 106 people per acre average for the site

C. Calculation for Single Acre Intensity

With respect to the single-acre intensity criteria, the entire building occupancy would again be within less than 1.0 acre, thus yielding the same intensity of 24 or 212 people per single acre.

Again assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 24,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.55 acre bldg. footprint
3) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 24 or 212 people per single acre under parking space or UBC methodology, respectively

Conclusions: In this instance, the two methods produce very different results. The occupancy estimate of 30 square feet per person is undoubtedly low for a furniture store even after the 50% adjustment. On the other hand, the 12 people-per-acre estimate using the parking requirement methodology appears low, but is probably closer to being realistic. Unless better data is available from surveys of similar uses, this proposal should reasonably be considered compatible within most *Compatibility Zones*, except *Zone A* and possibly *Zones B1* and *B2*.

Table B2, continued

APPENDIX C

General Plan Consistency Checklist

This checklist is intended to assist local agencies with modifications necessary to make their local plans and other local policies consistent with the *ALUCP*. It is also designed to facilitate *ALUC* reviews of these local plans and policies. The list will need to be modified to reflect the policies of each individual *ALUC* and is not intended as a state requirement.

COMPATIBILITY CRITERIA

General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the *ALUCP*.

- **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the *ALUC* land use compatibility criteria.
  - Residential densities (dwelling units per acre) should not exceed the set limits.
  - Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).
  - No new land uses of a type listed as specifically prohibited should be shown within affected areas.
- **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent *ALUCP* criteria. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is sometimes judged to be more objectionable than other types of equally loud noises).

Zoning or Other Policy Documents

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the *ALUCP* may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document

- **Intensity Limitations on Nonresidential Uses**—*ALUCP*s may establish limits on the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre—indicated in the *ALUCP*. Alternatively, *ALUC*s may create a detailed list of land uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters which are equivalent to the usage intensity criteria.
- **Identification of Prohibited Uses**—*ALUCP*s may prohibit schools, day care centers, assisted living centers, hospitals, and other uses within a majority of an airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations.
- **Open Land Requirements**—*ALUCP* requirements, if any, for assuring that a minimum amount of open land is preserved in the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land should also be established
- **Infill Development**—If an *ALUCP* contains infill policies and a jurisdiction wishes to take advantage of them, the lands that meet the qualifications must be shown on a map.

Zoning or Other Policy Documents, Continued

- **Height Limitations and Other Hazards to Flight**—To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon FAR Part 77. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airport-related hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.
- **Buyer Awareness Measures**—Besides disclosure rules already required by state law, as a condition for approval of development within certain compatibility zones, some *ALUCP*s require either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local agency policies must contain similar requirements.
- **Nonconforming Uses and Reconstruction**—Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the *ALUCP*, if any.

REVIEW PROCEDURES

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

- **Actions Always Required to be Submitted for ALUC Review**—PUC Section 21676 identifies the types of actions that must be submitted for airport land use commission review. Local policies should either list these actions or, at a minimum, note the local agency's intent to comply with the state statute.
- **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, *ALUCP*s may identify certain major land use actions for which referral to the *ALUC* is dependent upon agreement between the local agency and *ALUC*. If the local agency fully complies with all of the items in this general plan consistency checklist or has taken the necessary steps to overrule the *ALUC*, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the *ALUC* is mandatory. Local policies should indicate the local agency's intentions in this regard.
- **Process for Compatibility Reviews by Local Jurisdictions**—If a local agency chooses to submit only the mandatory actions for *ALUC* review, then it must establish a policy indicating the procedures which will be used to assure that airport compatibility criteria are addressed during review of other projects. Possibilities include: a standard review procedure checklist which includes reference to compatibility criteria; use of a geographic information system to identify all parcels within the airport influence area; etc.
- **Variance Procedures**—Local procedures for granting of variances to the zoning ordinance must make certain that any such variances do not result in a conflict with the compatibility criteria. Any variance that involves issues of noise, safety, airspace protection, or overflight compatibility as addressed in the *ALUCP* must be referred to the *ALUC* for review.
- **Enforcement**—Policies must be established to assure compliance with compatibility criteria during the lifetime of the development. Enforcement procedures are especially necessary with regard to limitations on usage intensities and the heights of trees. An airport combining district zoning ordinance is one means of implementing enforcement requirements.

Source: California Airport Land Use Planning Handbook (October 2011)

APPENDIX D

Sample Implementation Documents

Samples documents intended to help implement the *ALUCP* policies are included in this appendix.

Airport Combining Zone Ordinance

As noted in Chapter 1 of this *ALUCP*, one option that the affected local jurisdictions can utilize to implement airport land use compatibility criteria and associated policies is adoption of an airport combining zone ordinance. An airport combining zone ordinance is a way of collecting various airport-related development conditions into one local policy document. Adoption of a combining zone is not required, but is suggested as an option. Table D1 describes some of the potential components of an airport combining zone ordinance.

Buyer Awareness Measures

Buyer awareness is an umbrella category for several types of implementation documents all of which have the objective of ensuring that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. The policies of this *ALUCP* include each of these measures.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport or, in the case of military airports, to a local government agency on behalf of the federal government (the U.S. Department of Defense is not authorized to accept avigation easements). This *ALUCP* requires avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Specific easement dedication requirements are set forth in Chapter 3. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Table D2.
- **Recorded Overflight Notification**—An overflight notification informs property owners that the property is subject to aircraft overflight and generation of noise and other impacts. No restrictions on the heights of objects, requirements for marking or lighting of objects, or access to the property for these purposes are included. An overflight notification serves only as buyer acceptance of overflight conditions. Suggested wording of an overflight notification is included in Table D3. Unlike an avigation easement, overflight easement, or other type of easement, an overflight notification is not a conveyance of property rights. However, like an easement, an overflight notification is recorded on the property deed and therefore remains in effect with sale of the property to subsequent owners. Overflight notifications are generally appropriate in rural areas outside the 55 dB CNEL noise contour, outside Safety Zones, and within areas where the height of structures and other objects would not pose a significant potential of being airspace obstruction hazards.
- **Airport Proximity Disclosure**—A less definitive, but more all-encompassing, form of buyer awareness measure is for the *ALUC* and local jurisdictions to establish a policy indicating that information

about and airport's influence area should be disclosed to prospective buyers of all airport-vicinity properties prior to transfer of title. The advantage of this type of program is that it applies to previously existing land uses as well as to new development. The requirement for disclosure of information about the proximity of an airport has been present in state law for some time, but legislation adopted in 2002 and effective in January 2004 explicitly ties the requirement to the airport influence areas established by airport land use commissions (see Appendix A for excerpts from sections of the Business and Professions Code and Civil Code that define these requirements). With certain exceptions, these statutes require disclosure of a property's location within an airport influence area under any of the following three circumstances: (1) sale or lease of subdivided lands; (2) sale of common interest developments; and (3) sale of residential real property. In each case, the disclosure statement to be used is defined by state law as follows:

NOTICE OF AIRPORT IN VICINITY

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

An airport compatibility combining zoning ordinance might include some or all of the following components:

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

Source: California Airport Land Use Planning Handbook (October 2011)

Table D1

Sample Airport Combining Zone Components

TYPICAL AVIGATION EASEMENT

Airport Name

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

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

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

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

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

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused and created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air illumination and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked and lighted, as obstructions to air navigation, any and all buildings, structures or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

Table D2

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the County of _____ for the direct benefit of the real property constituting the Airport Name hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow, in or upon the hereinabove described real property, nor will they permit or allow any building structure, improvement, tree, or other object to extend into or above the Airspace so as to constitute an obstruction to air navigation or to obstruct or interfere with the use of the easement and rights-of-way herein granted. If Grantor fails to comply with the foregoing obligations within ten (10) days after Grantee gives written notice of violation to Grantor by depositing said notice in the United States mail, Grantee may enter the above-described real property for the purposes described in subparagraphs (3) and/or (4), above, and charge Grantor for the cost thereof.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the Airport Name, in the County of _____, State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the Airport Name, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors or assigns for monetary damages or other redress due to impacts, as described in paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantee, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said Airport Name is the dominant tenement.

DATED:

_____ _____

_____

STATE OF }

ss

COUNTY OF }

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

WITNESS my hand and official seal.

_____

Notary Public

Source: Modified from California Airport Land Use Planning Handbook (October 2011)

Table D2, continued

RECORDED OVERFLIGHT NOTIFICATION

This *Overflight Notification* concerns the real property situated in the County of _____and *[insert if applicable]* the City of _____, State of California, described as _____[APN No.:_].

This *Overflight Notification* provides notification of the condition of the above described property in recognition of, and in compliance with, CALIFORNIA BUSINESS & PROFESSIONS CODE Section 11010 and CALIFORNIA CIVIL CODE Sections 1102.6, 1103.4 and 1353, effective January 1, 2004, and related state and local regulations and consistent with policies of the Airport Land Use Commission for _____ County for overflight notification provided in the _____ County Airport Land Use Compatibility Plan.

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

The Federal Aviation Administration (FAA) has regulatory authority over the operation of aircraft in flight and on the runway and taxiway surfaces at Airport Name. The FAA is, therefore, exclusively responsible for airspace and air traffic management, including ensuring the safe and efficient use of navigable airspace, developing air traffic rules, assigning the use of airspace and controlling air traffic. Please contact the FAA for more detailed information regarding overflight and airspace protection issues associated with the operation of military aircraft.

The airport operator, the County of _____, maintains information regarding hours of operation and other relevant information regarding airport operations. Please contact your local airport operator for more detailed information regarding airport specific operational issues including hours of operation.

This *Overflight Notification* shall be duly recorded with the _____ County Assessor's Office, shall run with the Property, and shall be binding upon all parties having or acquiring any right, title or interest in the Property.

Effective Date:_____, 20__

Table D3

Sample Recorded Overflight Notification

ALUC Referral Form

MADERA COUNTY AIRPORT LAND USE COMMISSION (ALUC) REFERRAL FORM FOR PROJECT REVIEW

ALUC Identification No.

PROJECT PROPONENT (TO BE COMPLETED BY APPLICANT)

Date of Application _____

Applicant _____ Phone Number _____

Mailing Address _____

_____

_____

Agent (if any) _____ Phone Number _____

Mailing Address _____

_____

_____

PROJECT LOCATION (TO BE COMPLETED BY APPLICANT)

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

Street Address _____

_____

Assessor's Parcel No. _____ Parcel Size _____

Subdivision Name _____ Zoning Classification _____

Lot Number _____

PROJECT DESCRIPTION (TO BE COMPLETED BY APPLICANT)

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

Existing Land Use (describe) _____

_____

_____

Proposed Land Use (describe) _____

_____

_____

For Residential Uses — Number of Parcels or Units on Site (exclude secondary units) _____

For Other Land Uses — Hours of Use _____

Number of People On Site… — Maximum Number _____

Method of Calculation _____

Height Data — Height above Ground of Tallest Object (including antennas and trees) _____ ft.

Highest Elevation (above sea level) of Any Object or Terrain on Site _____ ft.

Flight Hazards — Does the Project Involve Characteristics that:

- Could Create Electrical Interference, Confusing Lights, Glare, Smoke, or Other Electrical or Visual Hazards to Aircraft Flight? ☐ Yes ☐ No
- Could Attract Birds or Other Wildlife to the Airport or Vicinity? ☐ Yes ☐ No

If Yes, Describe _____

REFERRING AGENCY (TO BE COMPLETED BY SUBMITTING AGENCY STAFF)

Date Received _____

Agency Name _____

_____

Staff Contact _____

Phone Number _____

Agency's Project No. _____

_____

Type of Project

☐ General Plan Amendment
☐ Zoning Amendment or Variance
☐ Subdivision Approval
☐ Use Permit
☐ Public Facility
☐ Other _____

Indicate agencies that have been notified of project.

☐ County of Madera ☐ City of Chowchilla ☐ City of Madera ☐ Other: _____

ALUC REVIEW (TO BE COMPLETED BY ALUC STAFF / ATTACH ADDITIONAL PAGES IF NECESSARY)

Application Receipt

Date Received _____ By _____

Is Application Complete? ☐ Yes ☐ No

If no, cite reasons _____

Airport

☐ Chowchilla Municipal Airport ☐ New Airport/Heliport

☐ Madera Municipal Airport ☐ Other: _____

Land Use Category/Categories _____

Basic Review Criteria

Compatibility Zone(s) ☐ A ☐ B1 ☐ B2 ☐ C1 ☐ C2 ☐ D

Land Use Acceptability ☐ Normally Compatible ☐ Conditional ☐ Incompatible

Sitewide Avg. Density/Intensity Criteria Met?	☐ Yes	☐ No	_____
Single-Acre Density/Intensity Criteria Met?	☐ Yes	☐ No	_____
Open Land Requirement Met?	☐ Yes	☐ No	_____
Sound Attenuation Requirement Met?	☐ Yes	☐ No	_____
Easement/ Overflight Notice Provided?	☐ Yes	☐ No	_____

Airspace Protection Compatibility

Height Acceptable?	☐ Yes	☐ No	_____
FAA Notified if Applicable?	☐ Yes	☐ No	_____
Other Hazards to Flight Excluded?	☐ Yes	☐ No	_____

Special Site/Project Conditions

Describe: _____

_____

ACTIONS TAKEN (TO BE COMPLETED BY ALUC STAFF)

ALUC Action

☐ Consistent Date _____

☐ Consistent with Conditions (list conditions / attach additional pages if needed)

_____

_____

☐ Inconsistent (list reasons / attach additional pages if needed)

_____

_____

APPENDIX **F**

Glossary of Terms

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

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- Except as provided below, *substantial damage* means damage or structural failure that adversely affects the structural strength, performance, or flight characteristics of the aircraft, and that would normally require major repair or replacement of the affected component.
- Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal nor serious injuries nor substantial damage to the aircraft occurs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Combining District: A zoning district that establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts.

Commercial Activities: Airport-related activities that may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CCR)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission that sets forth policies for promoting compatibility between airports and the land uses that surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn}.

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft overflights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft overflights can avoid moving to the affected areas.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Dwelling Unit: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. (HUD)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound that, in the given situation and time period, has the same average sound energy as does a time-varying sound.

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. FAR Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. A copy of the regulations is available at www.ecfr.gov.

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

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

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

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

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

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

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

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

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

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

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

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

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

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

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

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

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is

a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Overlay Zone: See *Combining District*.

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

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

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

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

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

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

Secondary Dwelling Unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. (California Department of Housing and Community Development)

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CCR)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) that quantifies the total energy in the A-weighted sound level measured during a transient noise event.

The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Structure: Something that is constructed or erected.

Taking: Government appropriation of private land for which compensation must be paid as required by the Fifth Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum-generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

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

AIM: Aeronautical Information Manual

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

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

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

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

HAI: Helicopter Association International

NTSB: National Transportation and Safety Board

Exhibit K:

Airport Advisory Commission (AAC) Meeting of August 26, 2015

City of Madera Airport Advisory Commission Meeting
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637
REGULAR MEETING DRAFT AGENDA
August 26, 2015, 9:00 AM

- *The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.*

- *Any writing related to an agenda item for the open session of this meeting distributed to the Airport Advisory Commission less than 72 hours before this meeting is available for inspection at the Madera Municipal Airport, 559-661-3687, 4020 Aviation Dr., Madera, California 93637 during normal business hours.*

CALL TO ORDER

ROLL CALL: Don Horal, Chairman
Richard Gould, Vice Chairman
Leonard Chavin, Commissioner
Don Holley, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Nick Davis, Commissioner

PUBLIC COMMENT:

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

BUSINESS MATTERS:

1. Approval of Minutes – Meeting of May 27, 2015

2. Informational Report on Hangar Vacancies and Hangar Wait-list – Jason Rogers, Administrative Analyst

3. Informational Report on Hangar Inspections and Findings – Jason Rogers, Administrative Analyst

4. Informational Report on the Completion of the Storm Water Pollution Prevention Plan (SWPPP) – Jason Rogers, Administrative Analyst

5. Discussion of Proposed FAA Application for Funding of the Apron, Taxiway, Runway Crack Seal Project – Jason Rogers, Administrative Analyst

6. Discussion of Airport Capital Improvement Program – Jason Rogers, Administrative Analyst

7. Discussion of Airport Land Use Compatibility Plan – Jason Rogers, Administrative Analyst

8. Commissioners reports/comments

ADJOURNMENT – Next regular meeting, November 18, 2015

I, Jason Rogers, Administrative Analyst for the City of Madera, declare under penalty of perjury that I posted the above Airport Advisory Commission Agenda for the Meeting of August 26, 2015, near the front entrances of the City of Madera Airport Administration Building and at City Hall before the close of business on August 20, 2015.

_____
Jason Rogers, Administrative Analyst

MEETINGS OF THE CITY OF MADERA AIRPORT ADVISORY COMMISSION ARE OPEN TO THE PUBLIC

MADERA AIRPORT ADVISORY COMMISSION
MINUTES OF MEETING
August 26, 2015

MEMBERS
PRESENT: Don Horal, Chairman
Richard Gould, Vice Chairman
Don Holley, Commissioner
Leonard Chavin, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Not Present: Nick Davis, Commissioner
Others: Jason Rogers, Admin. Analyst
David Russell, Maintenance Tech

The meeting was called to order by Chairman Horal at 9:00 am in the Pilot's Lounge, Madera Municipal Airport. 4020 Aviation Drive, Madera, CA

1. **Informational Report on Hangar Vacancies and Hangar Wait-list**

The AAC was informed by Jason Rogers that there were two hangar vacancies and that the waitlist of 8 people will be used to fill the vacancies. Any future hangar vacancy will continue to be filled from the waitlist.

2. **Informational Report on Hangar Inspections and Findings**

Jason Rogers reported that the hangar inspections were largely successful. Tenants were cooperative and that there were only a few remaining to be inspected. Many tenants asked why the hangars were being inspected and were told by staff that the airport had received some complaints in regards to non-aeronautical storage at the airport. As a result, in order to abide by FAA requirements and sponsor assurances, the Airport will be conducting periodic inspections of the hangars in the future. In regards to the findings, Airport staff found that the majority of the hangar tenants were in compliance. Three were found to be out of compliance; one due to car storage, one due to non-aeronautical storage, and one due to modification of the hangar. Those tenants will be given a 90 day notice to correct their issue or face termination of their lease.

3. **Informational Report on the Completion of the Storm Water Pollution Prevention Plan (SWPPP)**

Due to new State stormwater permit requirements, the SWPPP had to be updated. New changes to the SWPPP included: new site maps, increased dry weather monitoring, new best management practices, registration and uploading the SWPPP to the State's online SMARTS system and increased stormwater

sampling. Staff completed the new SWPPP for the Airport and it is available on site for review if anyone is interested.

5. **Discussion of Proposed FAA Application for Funding of the Apron, Taxiway, Runway Crack Seal Project**

Jason reported that the City applied for funding for the Crack Seal Project but our application was rejected due to missing the FAA deadline of July 2, 2015. As a result, 2015 funding is not available for this project. Staff were unaware of this deadline, as were many other airports. The FAA Airports District Office did not advise any airports of this change in procedure. Jason informed the AAC that this issue would be brought up at the annual Association of California Airports conference in September. The City will apply for funding for this project again in 2016.

6. **Discussion of Airport Capital Improvement Program**

Jason reported that the deadline for the Airport Capital Improvement Program 5 year plan will be coming up soon. As a result of failing to receive funding this year, most projects will need to be pushed out at least a year. Jason is currently working with the Airport's consulting engineer to revise the ACIP and submit it in a timely manner. Typically, the City has met with the FAA to discuss the ACIP plan in late November/early December but it appears that the FAA is moving that time schedule up by a few months. As a result, we plan on being ready to meet with them in October.

7. **Discussion of Airport Land Use Compatibility Plan**

The Airport Land Use Commission has allowed additional time for review of the ALUCP. This additional review time was requested by the City of Madera and a few of the Airport land Use Commissioners as it was believed that the County had failed to provide adequate time for stakeholder review. The City will continue to review the ALUCP and provide comments to the consultant in a timely manner. The County is expected to adopt the ALUCP in late September. Jason advised the AAC to review the draft ALUCP and provide any comments they deemed necessary.

8. **Adjournment**

There being no further business before the Commission. Chairman Horal adjourned the meeting at 10:50 am.

Submitted by: Jason Rogers, Administrative Analyst

cc: Airport Advisory Commission
City Clerk
City Administrator

Exhibit L:

Airport Land Use Commission (ALUC) Meeting of September 1, 2015

MADERA COUNTY AIRPORT LAND USE COMMISSION
AGENDA

ALL PERSONS REQUESTING DISABILITY- RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES MAY CONTACT THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION AT (559) 675-7821, 72 HOURS PRIOR TO THE PUBLIC MEETING.

REGULAR MEETING

TIME: **6:30 p.m., Tuesday, September 1, 2015**

PLACE: **1st Floor Board of Supervisors Hearing Room, Madera County Government Center, 200 West Fourth Street, Madera, California**

Chairman Ross Thornton

Vice Chairman John Reed	Commissioner Larry Pistoresi
Commissioner Luis Ceja	Commissioner Thomas Hurst
Commissioner Donald Horal	Commissioner Ralph Tonseth

All persons wishing to give testimony on quasi judicial items (noted with an *) must sign an oath as supplied by the Planning Commission Secretary.

CALL TO ORDER

INTRODUCTION OF STAFF

TURN OFF ALL CELL PHONES

BUSINESS

Supporting documents relating to the items on this agenda that are not listed as "Closed Session" are available through the Madera County Planning Division website at http://madera-county.com/index.php/planning-home. The documents are also available at the Community and Economic Development Department - Planning Division, 200 West Fourth Street, Madera, CA 93637. Please note that supporting documents may be submitted after the posting of the agenda; please visit the website or the Planning Division for updates.

REQUEST FOR COMMENTS FROM THE AUDIENCE

This portion of the meeting is set aside for members of the public to comment on any item within the jurisdiction of the Commission, but not appearing on the agenda. Items presented under public comment may not be discussed or acted upon by the Commission at this time. For items appearing on the agenda, the public is invited to comment at the time the item is called for

consideration by the Commission. Any person addressing the Commission under public comment will be limited to a 3 minute presentation to insure that all interested parties have an opportunity to speak. Also, all persons addressing the Commission must state their name and County of residence for the record.

ALL MATTERS LISTED UNDER CONSENT CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION.

CONSENT CALENDAR

Approval of the agenda.

Approval of the minutes of August 4, 2015

PUBLIC HEARINGS:

***1. MADERA VALLEY WATER – AIRPORT LAND USE COMMISSION (ALUC #2015-002) – CHOWCHILLA**
(DISTRICT #2) LEAD PLANNER: BECKY BEAVERS

Madera Valley Water is requesting a 1.5 million gallon elevated (155'-0") water storage tank, tank overflow/discharge and drainage facility, water pressure reducing station, and site access improvements. The property is owned by Grace Community Church of Madera and Madera Valley Water Co., and is located on the east side of Road 26 approximately 0.25 mile east of its intersection with Honda Road (17755 Road 26), Madera. The property is zoned AR-5 (Agricultural, Rural-5 Acre) District. The Airport Land Use Commission will review this project (ALUC #2015-002) for potential impacts due to height (155 feet). This item is in conjunction with Project PC (PRJ #2015-005), Conditional Use Permit (CUP #2015-007) and Variance (VA #2015-006). A draft Mitigated Negative Declaration (MND #2015-14) has been prepared concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). Size: 19.24 acres. APN's: 036-140-059 and 036-140-060.

PUBLIC WORKSHOP:

2. COUNTY OF MADERA – AIRPORT LAND USE COMMISSION COMPATIBILTY PLAN

Public workshop to consider an application of the County of Madera for a comprehensive update of the Airport Land Use Compatibility Plan. This item will be for discussion only and open to the public.

AIRPORT LAND USE COMMISSION COMMENTS:

PLANNING DIRECTOR COMMENTS:

ALUC rules and procedures

TENTATIVE MEETING DATES AND LOCATIONS:

Tuesday, September 29th, 2015 @ 6:00 p.m. - Regular Meeting – Board of Supervisors Hearing Room, Madera County Government Center, 200 West Fourth Street, Madera, California.

ADJOURN:

Community and Economic Development
Planning Division

Matt Treber MT
Deputy Director

- 200 W. 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

PLANNING COMMISSION DATE: **September 1, 2015**
AGENDA ITEM: **#3**

CUP	**#2015-007**	**Conditional Use Permit and a Height Variance to allow**
VA	**#2015-006**	**a 1.5 million gallon 155'-0" water storage tank, tank**
ALUC	**#2015-002**	**overflow/discharge and drainage facility, water pressure reducing station, and site access improvements**
	#036-140-060,	**Applicant: Madera Valley Water**
	#036-140-059	**Owner: Madera Valley Water and Grace Community Church of Madera**
CEQA	**ND 2015-14**	**Mitigated Negative Declaration**

REQUEST:

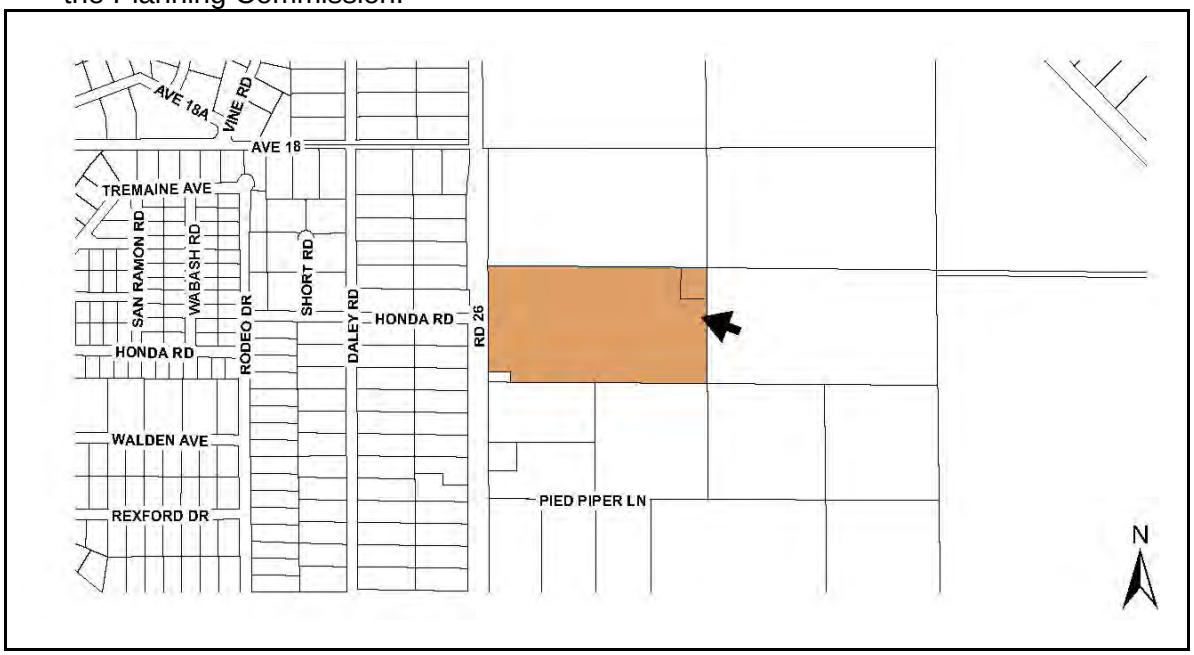
The applicant is requesting a Conditional Use Permit, Height Variance to allow a 1.5 155'-0" water storage tank, tank overflow/discharge and drainage facility, water pressure reducing station, and site access improvements.

LOCATION:

The property is located on the east side of Road 26, approximately 0.25 mile east of its intersection with Honda Road (17755 Road 26), Madera.

ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2015-14) has been prepared and is subject to approval by the Planning Commission.



RECOMMENDATION: **Staff recommends approval of the Conditional Use Permit (CUP #2015-007) and Variance (VA #2015-006) subject to conditions and the Negative Declaration (ND #2015-14). Staff also recommends that the project is found to be consistent with the Airport Land Use Compatibility Plan.**

GENERAL PLAN DESIGNATION (Exhibit A-1)**:**

SITE: AR (Agricultural Residential) Designation

SURROUNDING: AR (Agricultural Residential) and VLDR (Very Low Density Residential) Designation

ZONING (Exhibit B)**:**

SITE: AR-5 (Agricultural Rural – 5 Acre) District

SURROUNDING: AR-5 (Agricultural Rural – 5 Acre) and RRM (Residential, Rural, Single Family) Districts

LAND USE:

SITE: Parcel #036-140-060 is vacant. Parcel 036-140-059 has the Grace Community Church and Crossroads Christian School

SURROUNDING: To the north is Agriculture; west is Grace Community Church and Crossroads Christian School, rural residential; south is rural residential; and east is agriculture.

SIZE OF PROPERTY: 19.25 Acres

ACCESS (Exhibit A)**:** Ingress and egress to the property is from Road 26 utilizing a driveway access for Grace Community Church and Crossroad Christian School, then along an existing water line easement along the northern perimeter of the Grace Community Church parcel.

BACKGROUND AND PRIOR ACTIONS:

Conditional Use Permit #81-20 was approved by the Planning Commission to allow Crossroads Christian School.

Conditional Use Permit #2007-039 was approved to amend CUP 81-20 to allow additional modular units.

PROJECT DESCRIPTION:

The Madera Valley Water Company (MVWC) is a mutual water company classified by the State of California as a large private community water system. Large private community water systems are regulated by the State of California Department of Water Resources and the State of California Department of Public Health. All improvements to a public water system owned by a mutual water company must be designed and constructed in accordance with the California Waterworks standards found in Chapter 16 (commencing with Section 64551) of Division 4 of Title 22, California Code of Regulations.

MVWC was established and incorporated in 1956. Originally an un-metered water system, new connections since the early 1990s have water meters to accurately record and monitor water use.

Located less than one-quarter (1/4) mile north of the City of Madera, the MVWC's 1,300 acres service area encompasses 14 subdivisions with a total of 2,061 developable parcels, which is the maximum number of customers or shareholders available by the MVWC under its current organization. The company currently serves 1,896 customers within its service area with potable water drawn from seven wells located within, as well as outside, its service area. Build-out of all remaining developable parcels in the MVWC

service area could potentially add 165 new water connections maximizing the number of service customers available to MVWC which totals 2,061.

MVWC's current water supply network of seven (7) wells all discharge into a single pressure zone with a capacity of 8,000 gallons per minute (gpm). MVWC's current water supply and distribution system does not include water storage facilities; nor does MVW'C's water system provide a connection to another water system. Since MVWC's system presently does not include storage facilities or a connection to other public system, MVWC's wells must be able to provide enough water to meet customer peak day and peak hour demands, and State fire flow demands. Currently, MVWC's seven wells must continually operate to meet and supply the average daily demand and the peak flow demands on a 24 hour basis. State regulations require that enough wells be operational to supply the peak day and peak hour demands, and fire flow requirements with the largest well out of service. Typically, MVWC's average usage is less than 2,900 gpm. MVWC's water system requires well capacity up to 4,500 gpm to meet the peak demands and fire flow requirements.

MVWC prepared an energy analysis in an effort to improve the efficiency of the overall system. MVWC's water conservation efforts helped reduce energy consumption of the system, but in the current demand configuration, without substantial storage, the wells must operate in combinations that always supply the water demand. There is no time at which there are no wells pumping. The system is always consuming energy.

To ensure greater power reliability and a better energy future, the California Public Utilities Commission adopted and has been implementing a new energy pricing plan (time-of-use rate plans) the standard for all of the State's major electric utilities in order to better align energy rates with the real cost of producing electricity. Instead of a single flat rate for energy use, energy rates are lower when the demand for energy is also low under the time-of-use rate plans. Conversely energy rates are higher during periods of high energy demand.

Because the system is always consuming energy, pumping of wells during peak and partial-peak energy rate periods account for 39 percent of the energy cost but only supplies 20 percent of the water demand. The greatest energy rate increases have occurred during peak energy usage between 12 and 6 pm. In the last 10 years, MVWC's annual energy cost has increased 61 percent.

An elevated water storage tank would provide flexibility to the MVWC water supply and distribution system, and allow MVWC operators to determine when the wells would operate to store water for peak water demand usage. With the addition of the gravity storage tank, 14 percent of the water needed to meet peak water demand usage would be pumped during the off-peak energy rate period and 6 percent would be pumped during the partial-peak energy rate period. The 20 percent of daily water usage occurring during peak and partial-peak hours would be supplied by the tank and then restored during partial-peak and off-peak energy rate periods.

Additionally, the storage tank would provide additional time for system troubleshooting and repairs, if necessary, without the need for emergency actions; reduce or eliminate the need to use backup generators in the event of a brown-out; provide adequate fire flow in the event of a brown-out, pump failure, generator failure, multiple fire events, or any other emergency or combination thereof. Further, since one of the primary goals and purpose of the project is to eliminate the need for groundwater pumping during peak energy

demand hours, most, if not all water production would occur during off-peak energy demand hours.

ORDINANCES/POLICIES:

Section 18.54.010 of the Zoning Ordinance outlines the allowed uses in the AR-5 (Agricultural, Rural-5 Acre) zone district.

Section 18.92 of the Madera County Zoning Ordinance outlines the procedures for the processing and approval of conditional use permits.

Section 18.106 of the Madera County Zoning Ordinance outlines the procedures for obtaining Variances.

General Plan Policy 1.E.3 of the Madera County General Plan supports the economic development of the County.

California Public Utilities Code, Section 21670 et. seq. (Chapter 4, Article 3.5 of the State Aeronautics Act), states the authority of the Airport Land Use Commission and its authority to adopt airport land use compatibility plans.

Madera County Airport Land Use Compatibility Plan, adopted December 16, 1993 by the Madera County Board of Supervisors.

ANALYSIS:

The request is for a Conditional Use Permit and a Height Variance to allow a 1.5 million gallon elevated (155'-0") water storage tank, tank overflow/discharge and drainage facility, water pressure reducing station, and site access improvements.

The Zoning Ordinance lists “public facilities and emergency services” as one of the allowed uses on the property with an approved Conditional Use Permit in this zone district. The general plan designation of Agricultural Residential (AR) allows for public and quasi-public uses as well. The proposed water storage tank is considered a public facility.

The Madera County Airport Land Use Compatibility Plan (ALUCP) defines the types of actions reviewed by the Airport Land Use Commission. As required by law, the adoption or approval of any request for a variance from a local agency’s height limitation ordinance within an airport’s planning area (Chapter 2 Section1.3.3(c)).

The compatibility of land uses in the vicinity of the airport covered by the plan is primarily evaluated in terms of (1) the Compatibility Criteria Table (Exhibit H) and accompanying notes; (2) the Compatibility Plan for each airport; and (3) specific policies established for individual airports (Chapter 2, Section 2.1.2).

The proposed site is located approximately 2.26 miles northeast of the Madera Airport and lies outside of the Airport Compatibility Zones. ALUC Policy 1.3.3(d) requires a review to be conducted if a structure is over 150 feet in height. The proposed water tank is 155 feet above ground level. The additional five feet will have no significant impact on air traffic.

The project will construct a 155 foot tall water storage tank or water tower, with the capacity of 1.5 million gallons. An 86 foot diameter welded tank will be mounted on top of a 60 foot diameter steel support column (pillar). The water tank support column will be

enclosed with vertical fluted metal siding panels to provide a multi-purpose interior space to house the facilities electrical controls, telemetry equipment and other operational and mechanical equipment. A water tower is an elevated structure supporting a water tank constructed at a height sufficient to pressurize a water supply system for the distribution of potable water, and to provide emergency storage for fire protection. Water towers are able to supply water even during power outages, because they rely on hydrostatic pressure produced by elevation of water (due to gravity) to push the water into domestic and industrial water distribution systems.

The property is located on the east side of Road 26, approximately 0.25 mile east of its intersection with Honda Road, Madera. The project site is located in an area that consists primarily of residential use with some commercial uses. The parcel is approximately 19.25 acres in size. Approximately 3,000 gallons of water per year will be used for maintenance and irrigation purposes. The perimeter landscaping will be dripped irrigated from an existing on-site well. There will be no waste water generated. Approximately 12 to 15 pounds of solid waste will be generated per week and will be hauled away by staff and disposed of at Madera Valley Water Company's maintenance yard refuse bins.

MVWC provides potable water service to the joint school and church property. A 12-inch diameter water main follows the alignment of Road 26. A 16-inch diameter water main extends from the 12-inch diameter water main beneath Road 26 to and beyond the proposed water storage tank site along the northern boundary of the project property in an easement granted to MVWC. A proposed water pressure reduction station to support the water tank would be installed on the 16 inch water main between Road 26 and the water tank.

The elevation ranges from approximately 275 to 285 feet above mean sea level (msl). In general, the project area slopes upward in an east, southeasterly direction. The project site has been extensively graded and is relatively level. The elevation of the proposed water storage tank site is 281± feet above msl.

The soils across the project site consist of undocumented silty sand fill soils to a depth of 0.5 to 1 foot below surface grade. Native silty sands are present under the near surface soils to depths of 33 to 45 feet below surface grade. The predominant soil unit mapped within the project site is Delhi sand, 0 to 3 percent slopes (DeA). Lesser soil units mapped within the project site are Cometa sandy loams, 3 to 8 percent slopes (CuB) and Tujunga loamy sand, moderately deep and deep over hardpan, 0 to 3 percent slopes (TxA).

The California Department of Conservation Farmland Mapping and Monitoring Program designates the project site, and land west and south of the project site, as Urban and Built-Up Land. Land to the north and east of the project site is designated as Farmland of Local Importance.

A biological study was prepared for this project. At the time of the field visit, the water storage tank site was devoid of vegetation. Common native and non-native grasses and forbs were observed lining the peripheral edges of the access road leading to the proposed water storage tank site, and within the unimproved areas between the facilities of Grace Community Church and Crossroads Christian School and the surface road leading to the proposed storage tank site. Vegetation observed included species such as ripgut, goats head, and horseweed, among others. Redwoods and camphor trees were

planted along the western and southern fence line. No natural terrestrial or aquatic communities are present on the project site.

The Grace Community Church and Crossroads Christian School facility grounds landscape consists almost exclusively of horticultural plant species that are not native to the San Joaquin Valley. This vegetative habitat limits opportunities for native terrestrial vertebrates, but is used by native species to some extent. Horticultural trees and shrubs often provide nesting habitat for western scrub jays northern mockingbirds, house finches and house sparrows, as well as seasonal cover to a large number of native birds passing through the area during migration.

The project site habitat provides foraging habitat for avian species. Small mammals are likely to be present on the project site and adjacent agricultural fields. Few amphibians or reptiles are likely to use the project site or adjacent agricultural fields for foraging, breeding or cover. A few common amphibians and reptiles are likely to use the project site. Western fence lizards likely sun themselves on roads and concrete areas of the site. The presence of birds and small mammals is likely to attract predatory birds and mammals tolerant of human disturbance. Various mice and rats, such as the house mouse and black rat, are likely to nest on-site and in adjacent agricultural fields, and forage around the project site. The presence of amphibians, reptiles, birds, and small mammals provide foraging opportunities for raptors and predatory mammals.

Drainage and waterways in the vicinity include Schmidt Creek, an intermittent creek, and an unnamed ephemeral channel north of Schmidt Creek that drains into Schmidt Creek. Schmidt Creek, which is the principal drainage channel in the immediate area, terminates west of Highway 99, whereby the waters of Schmidt Creek sheet flows through agricultural fields and into irrigation canals interconnected with Dry Creek, approximately one mile west of Highway 99.

Portions of the project site and surrounding project area are located within a designated 100-year floodplain. Schmidt Creek is identified as a "Floodway". Project Area Floodplain, portions of the project site and its surroundings fall within Zone AE. Zone AE is defined as special flood hazard area subject to inundation by a one percent annual chance flood (100-year flood). The base flood elevation for the AE Zone at the proposed water storage tank site is 278.9 feet above msl.

This project was circulated to departments and outside agencies for review. This included Regional Water Quality Control, California Highway Patrol, San Joaquin Valley Air Pollution Control Board, and the Department of Fish and Wildlife. Comments were received from Public Works, Environmental Health and the Fire Prevention Office.

This project was analyzed to determine if it required formal consultation with the City of Madera in accordance with the adopted Tax Sharing Agreement. The project site is within the referral boundaries of the Tax Sharing Agreement, however this project is not defined as an urban development project, and therefore formal referral in accordance with the City-County Tax Sharing Agreement was not required. The Planning Division did reach out and discuss this project with the City of Madera Community Development staff. City staff stated that they had no objections to the proposed project.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of $2,260.00 to cover the Notice of Determination (CEQA) filing at the Clerks' office. The amount covers the current $2,210.00 Department of Fish and Wildlife fee and the County Clerk $50.00 filing fee. In lieu of the Fish and

Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

CONDITIONAL USE PERMIT FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to grant approval of this conditional use permit application. Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *The proposed project does not violate the spirit or intent of the zoning ordinance* in the property is zone AR-5 (Agricultural, Rural – 5 Acre) District and pursuant to Section 18.94.160 of the Madera County Zoning Ordinance allows for public facilities in any zone district with an approved conditional use permit. With this application, the applicant is following the spirit and intent of the ordinance.

2. *The proposed project is not contrary to the public health, safety, or general welfare* in that the facility will adhere to all conditions of approval and mitigations as approved as they relate to the operations. This facility will serve 2,061 parcels in the immediate area. The storage tank would provide additional time for system troubleshooting and repairs, if necessary, without the need for emergency actions; reduce or eliminate the need to use backup generators in the event of a brown-out; provide adequate fire flow in the event of a brown-out, pump failure, generator failure, multiple fire events, or any other emergency or combination thereof.

3. *The proposed project is not hazardous, harmful, noxious, offensive or a nuisance because of noise, dust, smoke, odor, glare or similar factors* in that the project must adhere to local and state health and building codes. In addition, any potential environmental impacts have been mitigated to a level of less than significant through mitigation measures as outlined by the mitigated negative declaration and conditions of approval for the conditional use permit.

4. *The proposed project will not for any reason cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The proposed project will allow water services to be more stable and potentially enhance the community.

HEIGHT VARIANCE FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of this variance. Should the Planning Commission vote to approve the project, Staff recommends that the Planning Commission concur with the following in light of the proposed conditions of approval.

1. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the* same *zoning district.* The height of the proposed water tank is critical to the engineering system. The water tank must be constructed at a height sufficient to pressurize a water supply system for the distribution of potable water, and to provide emergency storage for fire protection. Water towers are able to supply water even during power outages, because they rely on hydrostatic pressure produced by elevation of water (due to gravity) to push the water into domestic and industrial water distribution systems. With the addition of the gravity storage tank,

14 percent of the water needed to meet peak water demand usage would be pumped during the off-peak energy rate period and 6 percent would be pumped during the partial-peak energy rate period. The 20 percent of daily water usage occurring during peak and partial-peak hours would be supplied by the tank and then restored during partial-peak and off-peak energy rate periods.

2. *The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner*. The benefit of the increase in height of the water storage tank will be enjoyed by all of the customers being services by Madera Valley Water Company. Water towers are able to supply water even during power outages, because they rely on hydrostatic pressure produced by elevation of water (due to gravity) to push the water into domestic and industrial water distribution systems. The storage tank would provide additional time for system troubleshooting and repairs, if necessary, without the need for emergency actions; reduce or eliminate the need to use backup generators in the event of a brown-out; provide adequate fire flow in the event of a brown-out, pump failure, generator failure, multiple fire events, or any other emergency or combination thereof.

3. *The granting of such application will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, in the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in that neighborhood.* There will be no health and safety impacts as a result of the height of the water storage tank.

4. *The granting of the variance shall not constitute* a *grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.* This is a public facility. The granting will provide benefits to all that the water company services.

5. *Because of special circumstances, applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.* There is no zone district in Madera County that allows for a 155 foot structure without a height variance. In this circumstance, the additional height is necessary for the gravity flow. Water towers are able to supply water even during power outages, because they rely on hydrostatic pressure produced by elevation of water (due to gravity) to push the water into domestic and industrial water distribution systems.

ALUC FINDINGS OF FACT:

The following findings must be made to grant consistency with the Madera County Airport Land Use Compatibility Plan:

1. The proposed project will be consistent with the ALUC Zones. The water tank will be location approximately 2.26 miles from the Madera Airport and lies outside of all Compatibility Zones.

2. The project in its entirety will be outside the Madera County Airport Land Use Compatibility Plan's noise contour map.

3. The proposed project will not interfere with the existing operation of the Madera Municipal Airport if development standards are followed.

4. No predictable interference with the future operation of the Madera Municipal Airports can be anticipated from the proposed project.

WILLIAMSON ACT:

The property is not subject to a Williamson Act contract.

GENERAL PLAN CONSISTENCY:

The General Plan designates the parcel AR (Agricultural, Residential). The property is zoned AR-5 (Agricultural, Rural – 5 Acre) district. The AR designation allows provides for single family detached homes, secondary residential units, limited agricultural uses, public and quasi-public uses, and similar and compatible uses. The zoning and general plan designations are compatible with the use.

RECOMMENDATION:

The analysis contained in this report supports approval of the Conditional Use Permit #2015-007 and Variance #2015-006 subject to the attached conditions and Mitigated Negative Declaration #2015-014. Staff also recommends that the project is found to be consistent with the Airport Land Use Compatibility Plan.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, D-2, Site Plan
5. Exhibit E, Aerial Map
6. Exhibit F, Topographical Map
7. Exhibit G, ALUC Compatibility Zone Map
8. Exhibit H, Compatibility Criteria
9. Exhibit I, Operational Statement
10. Exhibit J, Engineering Comments
11. Exhibit K, Environmental Health Comments
12. Exhibit L, Road Department Comments
13. Exhibit M, CEQA Initial Study
14. Exhibit N, CEQA Negative Declaration #2015-014

CONDITIONS OF APPROVAL

PROJECT NAME: Madera Valley Water - Project - PC 2015-005 - Madera (036-140-059-000)

PROJECT LOCATION: east side of Road 26, approximately 0.25 mile east of its intersection with Honda Road (17755 Road 26), Madera

PROJECT DESCRIPTION: 1.5 million gallon elevated (155'-0") water storage tank, tank overflow/discharge and drainage facility, water pressure reducing station, and site access improvements

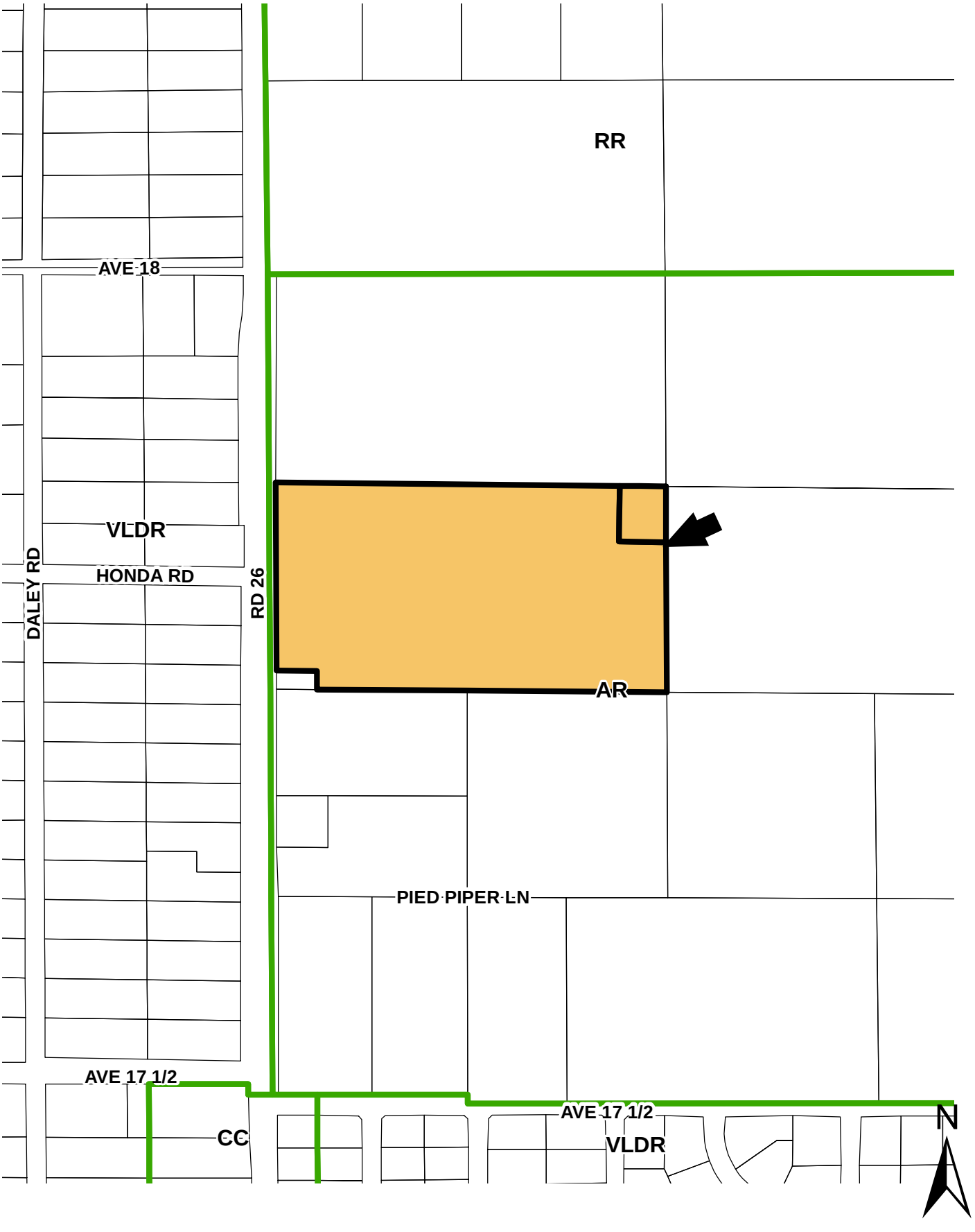
APPLICANT: Madera Valley Water

CONTACT PERSON/TELEPHONE NUMBER: (559) 674-2407

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
1	The parcel is within a FEMA Special Flood Hazard Area (SFHA) and any development in the SFHA will need to meet FEMA Floodplain requirements.				
2	A Grading, Drainage, and Erosion Control Permit will be required if grading is over 50 cubic yards.				
Environmental Health					
3	Madera Valley water storage tank project must comply with the State of California Department of Water Resources Division of Drinking Water (DDW) requirements.				
4	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dustm, Odor(s), Noise(s), Lighting, Vector or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.				
FIRE DEPARTMENT					
	None				
Planning					
5	The project must be developyh in accordance with the operational statement.				
6	Parking and circulation must be kept in a dust free manner.				
7	All lighting must be hooded and directed away from neighboring parcels and roadways.				
ROAD DEPARTMENT					

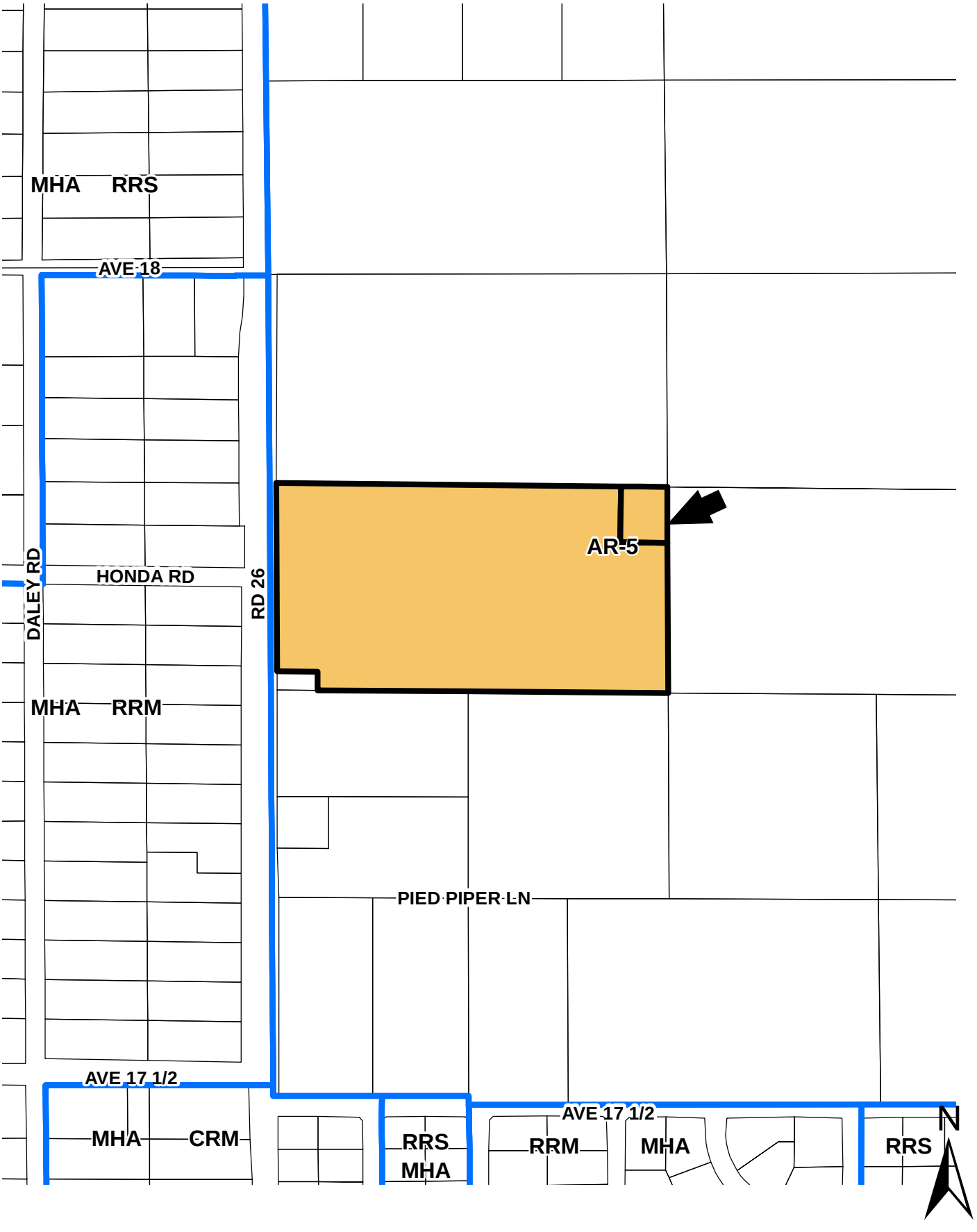
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
8	Prior to any construction within the County road of right-of-way, the applicant is required to apply for and obtain an Encroachment Permit from the Public Works Department and pay any applicable fee. Once this permit is secured, the applicant may commence with construction.				
9	The developer is to provide grading, drainage, erosion control, and if applicable, any street improvement plans for the proposed development to the Public Works Department for review.				
10	The developer/contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation. Applicant/Developer shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.				
11	All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.				

EXHIBIT A



GENERAL PLAN MAP

EXHIBIT B



ZONING MAP

ASSESSOR'S MAP

EXHIBIT C

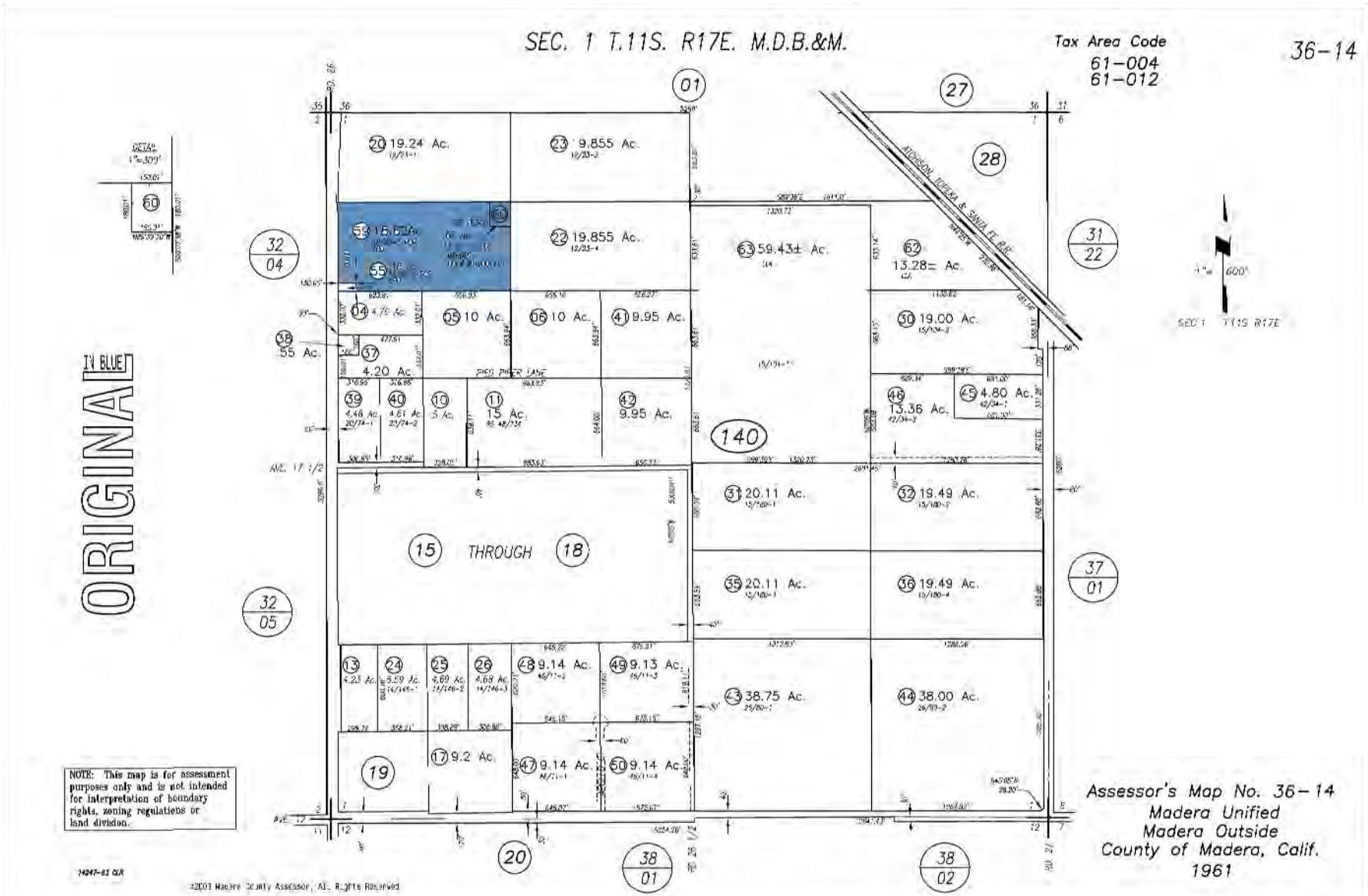
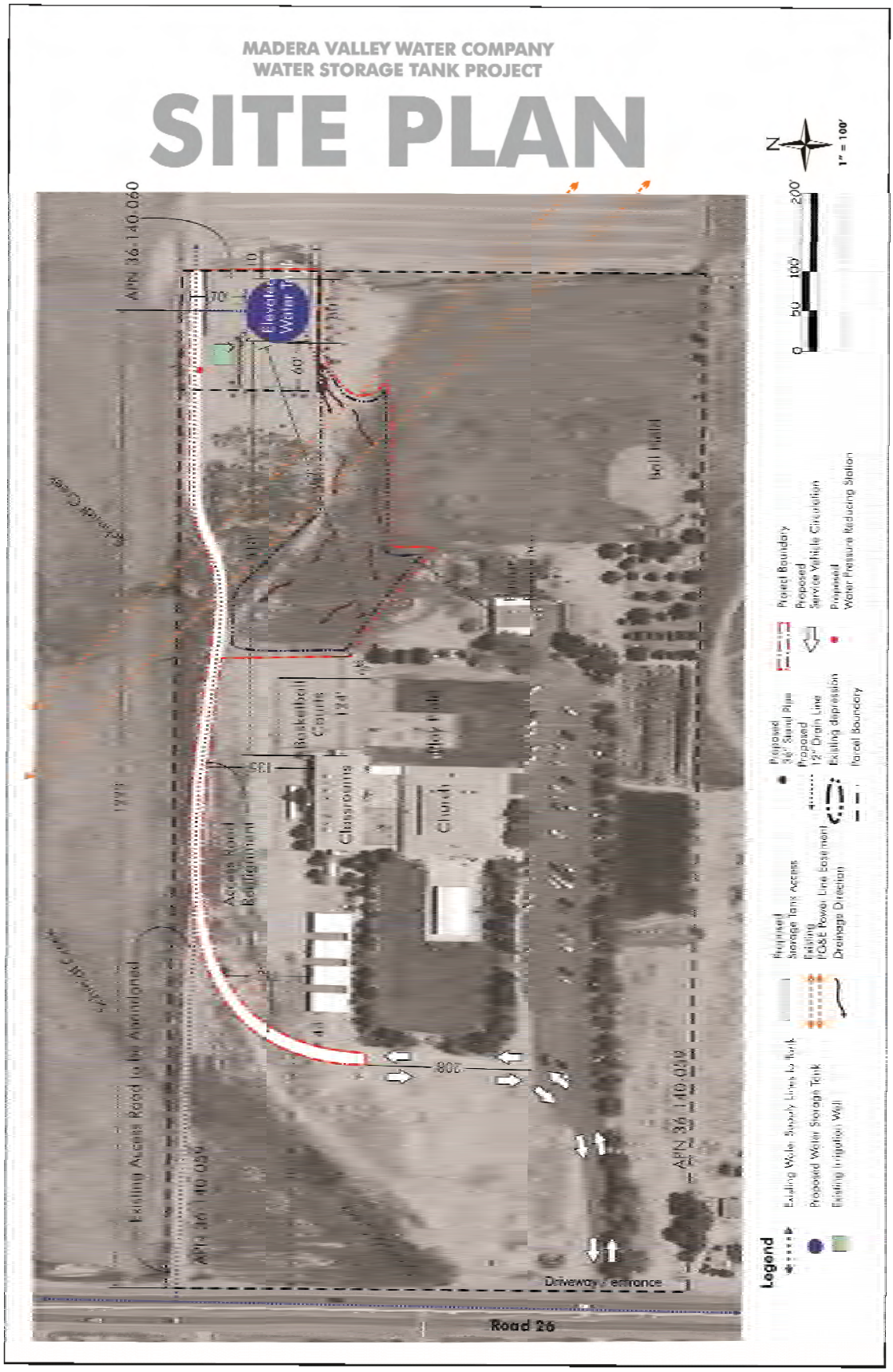


EXHIBIT D-1



SITE PLAN

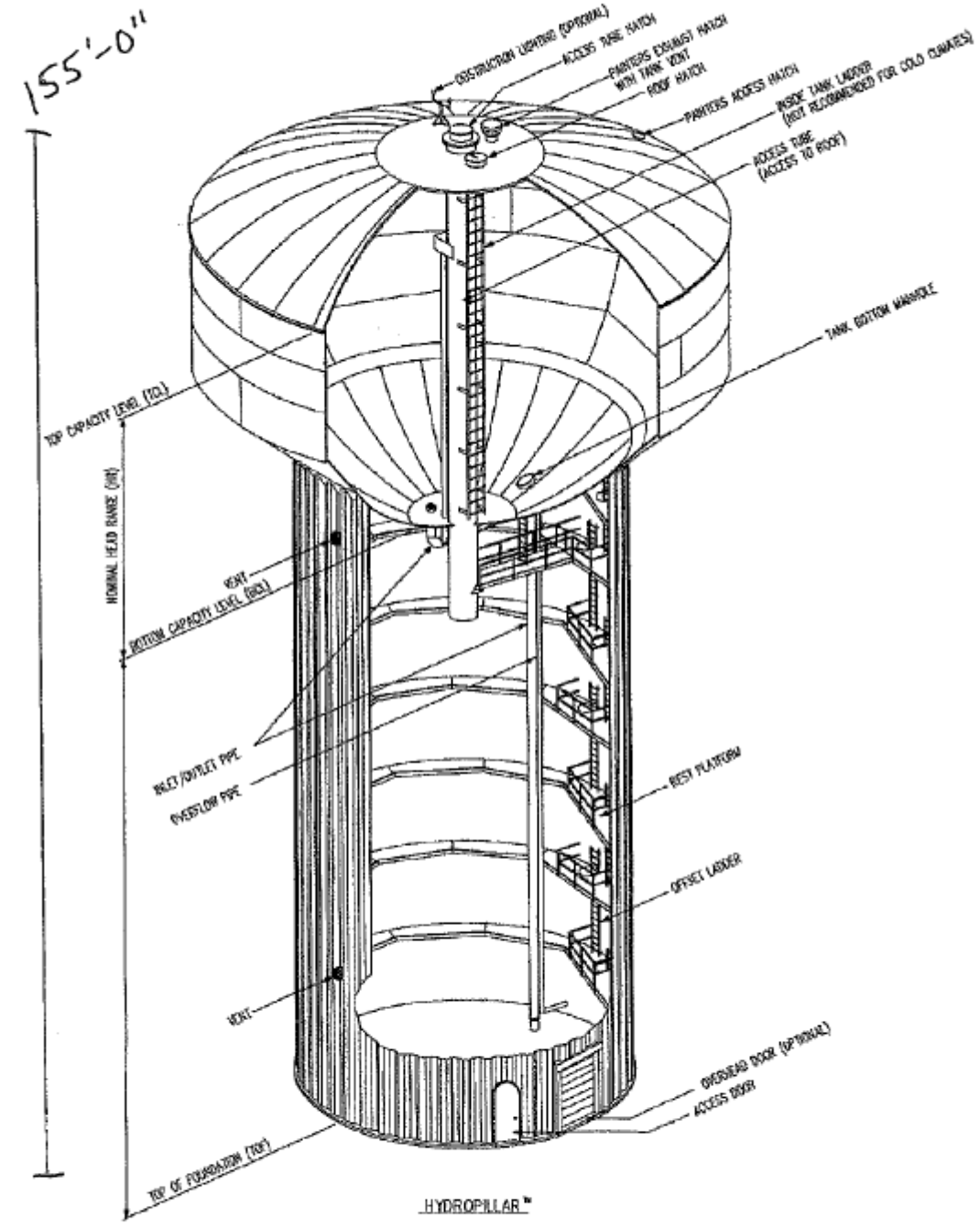


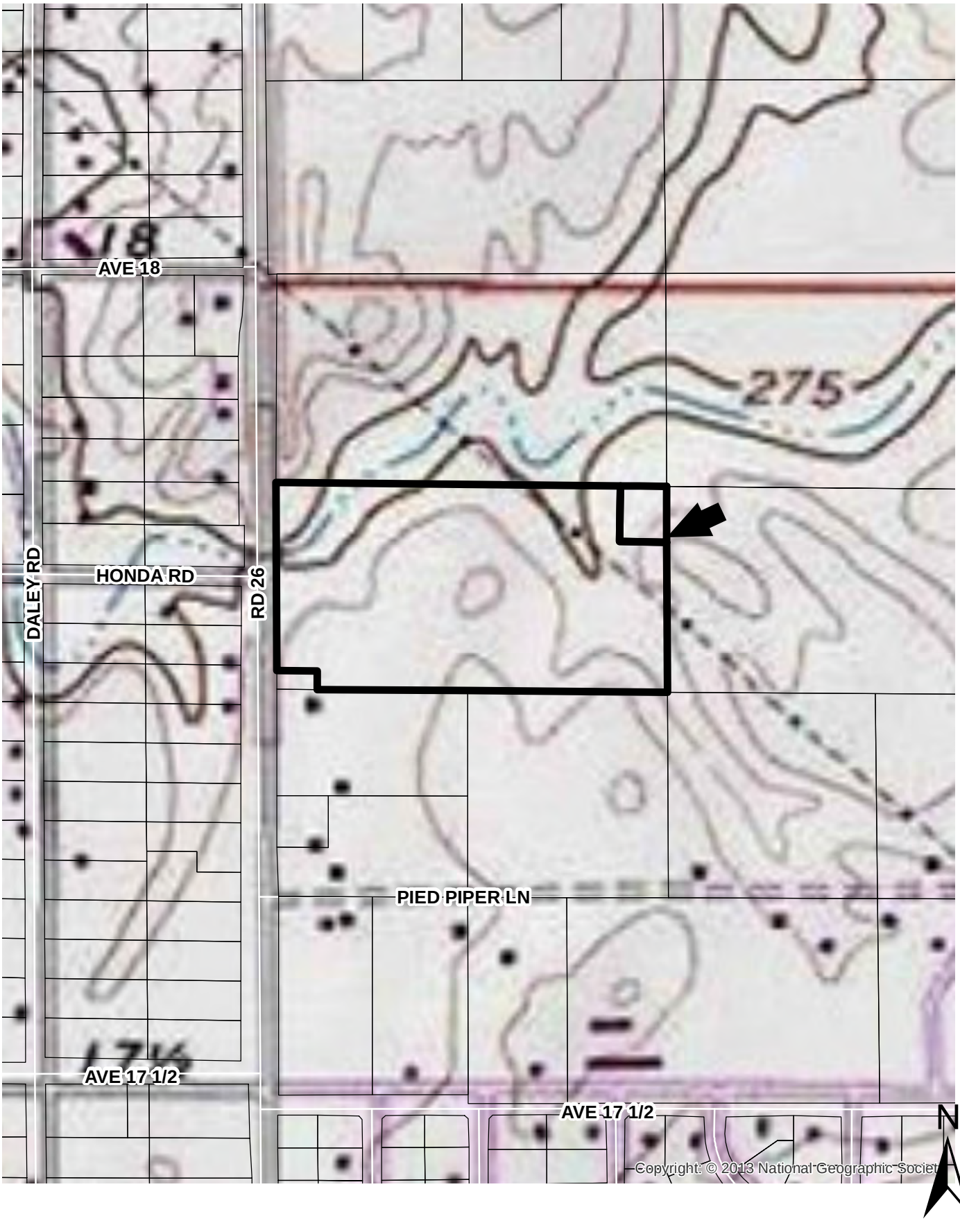
Figure 6 Typical Hydropillar® Tank

ELEVATION PLAN

EXHIBIT E

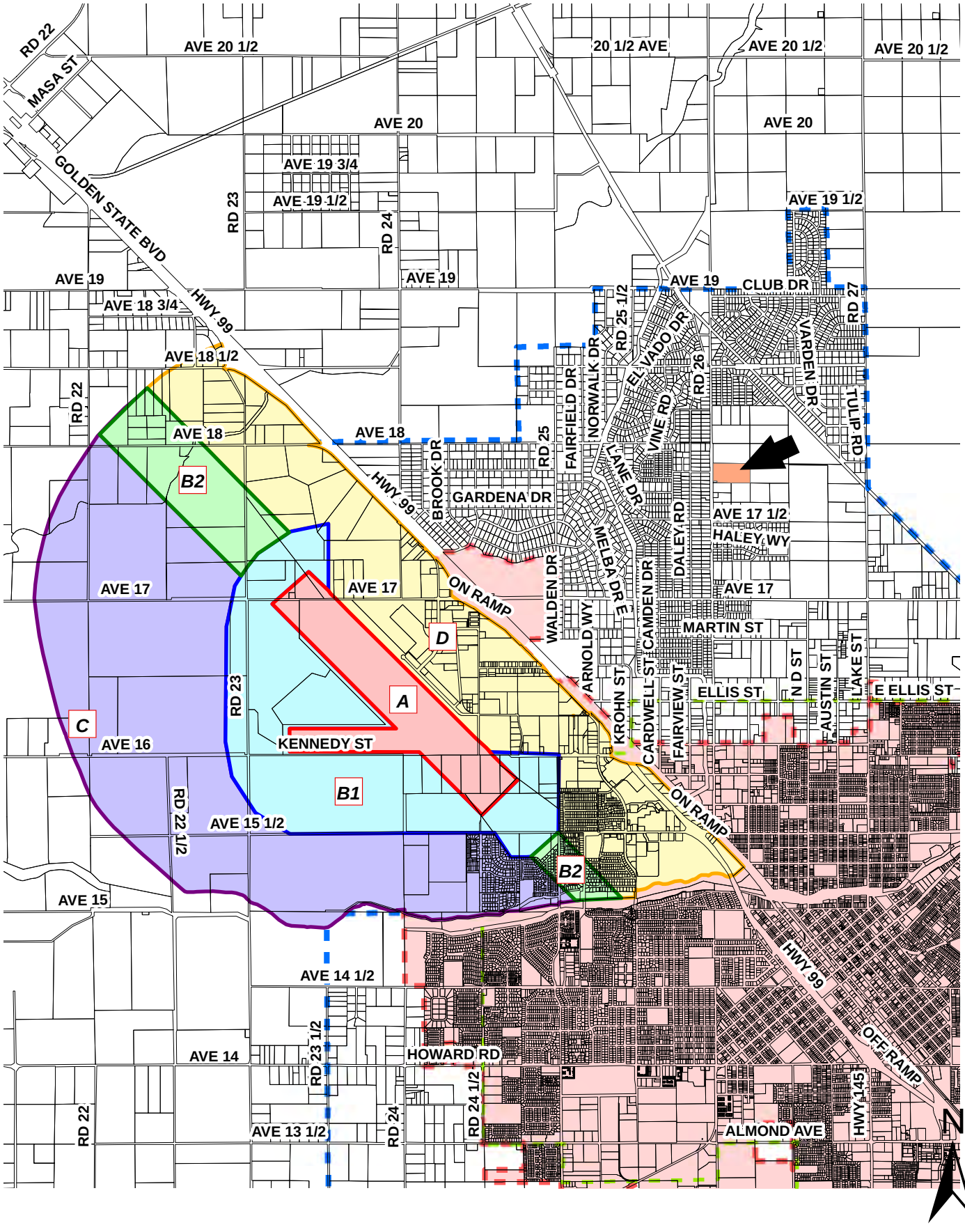
AERIAL MAP

EXHIBIT F



TOPOGRAPHICAL MAP

EXHIBIT G



ALUC Compatibility Zones

Compatibility Criteria
Madera County Airport Land Use Compatibility Plan

EXHIBIT H

Zone	Location	Imact Elements	Maximum Densities		Required Open Land [3]
			Residential (du/ac)[1]	Other Uses (people/ac)[2]	
A	Runway Protection Zone or within Building Restriction Line	* High risk *High noise levels	0	10	All Remaining
B1	Approach/Departure Zone and Adjacent to Runway	* Substantial risk - aircraft commonly below 400 ft. AGL or within 1,000ft of runway *Significant noise	0.1	60	30%
B2	Extended Approach/Departure Zone	* Significant risk - aircraft commonly below 800ft. AGL *Frequent noise intrusion	3	60	30%
C	Common Traffic Pattern	* Limited risk - aircraft at or below 1,000ft AGL *Frequent noise intrusion	6	150	15%
D	Other Airport Environs	*Negligible risk *Potential for annoyance from overflights	No limit	No Limit	No requirement

	Additional Criteria		Examples	
Zone	Prohibited Uses	Other development Conditions	Normally Acceptable Uses [4]	Uses Not Normally Acceptable [5]
A	* All structures except one with location set by aeronautical function *Assemblages of people *Objects exceeding FAR Part 77 heigh limits *Hazards to flight [6]	*Dedication of avigation easement	*Aircraft tiedown apron *Pastures, field crops, vineyards *Automobile parking	*Heavy poles, signs, large trees, etc
B1 and B2	*Schools, daycare centers, libraries *Hospitals, nursing homes *Highly noise-sensitive uses *Storage of highly flammable materials *Hazards to flight [6]	*Locate strucutres maximum distance from extended runway centerline *Minimum NLR 7 of 25dBA in residential and office buildings *Dedication of avigation easement	*uses in Zone A *Any agricultural use except ones attracting bird flocks *Warehousing, truck terminals *Single-story offices	*Suburban residential subdivisions *Intensive retail uses *Intensive manufacturing or food processing uses *Two-story offices *Hotels and motels
C	*Schools * Hospitals, nursing homes *Hazards to flight [6]	*Dedication of overflight easement for residential uses	*Uses in Zone B *Parks, playgrounds *Low-intensity retail, offices, etc *Low-intensity manufacturing, food processing *Two-story motels	*Shopping malls *Theaters, auditoriums *Sports stadiums *Office buildings with 4 or more stories
D	*Hazards to flight [6]	*Deed notice required for residential development	*All except ones hazardous to flight	

EXHIBIT I

Community and Economic Development
Planning Division

Norman L. Allinder, AICP
Director

- 200 W 4th Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information:
   Assessor's Parcel Number: 036-140-059 and 036-140-060
   Applicant's Name: Madera Valley Water Company
   Address: 18454 Road 26, Madera, CA 93638
   Phone Number: 559.674.2047

2. Describe the nature of your proposal/operation.
   Construct, operate and maintain 1.5 million gallon elevated water storage tank; tank overflow / discharge and drainage facility; water pressure reducing station; and site access improvements. Total height of the tank structure is 155 feet. Pressure reducing station to maintain constant downstream pressure. (Refer to attached Project Description)

3. What is the existing use of the property?
   Parcel 036-140-060, owned by Madera Valley Water Company, is fenced and absent of any land use activity.
   Grace Community Church and Crossroads Christian School occupy Parcel 036-140-059.

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?
   No products will be produced or sold on or off site.

5. What are the proposed operational time limits?
   Months (if seasonal): 12
   Days per week: 7
   Hours (from____to ___): Total Hours per day: 24

6. How many customers or visitors are expected?
   Average number per day: None
   Maximum number per day: NA
   What hours will customers/visitors be there? NA

7. How many employees will there be?
   Current: Maintenance personnel; 2 to 3 visits per month
   Future: Operations and maintenance personnel; 1 to 2 visits per week
   Hours they work: Variable - No fixed hours
   Do any live onsite? If so, in what capacity (i.e. caretaker)? No

8. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

Electronic telemetry equipment will monitor tank operations and controls. Pipe and valves may be stored on site.

9. Will there be any service and delivery vehicles? Yes. Operation and maintenance personnel.

Number: 1 to 2 vehicles

Type: Light and heavy duty truck

Frequency: 1 to 2 times per week.

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

No designated parking spaces. Operations and maintenance vehicles will be able to park on the concrete or gravel base surrounding the tank structure or inside the tank structure.

11. How will access be provided to the property/project? (street name)

From Road 26 utilizing an driveway access for Grace Community Church and Crossroad Christian School, then along and existing water line easement along the northern perimeter of the Grace Community Church parcel.

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.

Except for occasional maintenance and operational service vehicles, no other vehicles will travel to and from the tank site.

13. Describe any proposed advertising, inlcuding size, appearance, and placement.

No advertising is proposed.

14. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.

No existing buildings will be used. Project will construct a 155 foot tall water storage tank (Hydropillar) with the capacity of 1.5 million gallons. An 86 foot diameter welded steel tank will be mounted on top of a 60 foot diameter steel support column (pillar). The water tank support column will be enclosed with vertical fluted metal siding panels to provide a multi-purpose interior space to house the facilities electrical controls, telemetry equipment and other operational and machinery equipment. (Refer to attached Project Description)

15. Is there any landscaping or fencing proposed? Describe type and location.

The tank site is presently secured with an 8 foot high chain link / slatted fenced and landscaped. One access gate is positioned approximately midpoint along the northern perimeter and other on western perimeter. Ornamental trees planted 12-foot on center are present along the westerly and southerly perimeter.

16. What are the surrounding land uses to the north, south, east and west property boundaries?

North: Agriculture (Dry farming); West: Grace Community Church and Crossroads Christian School, rural residential west of Road 26; South: rural residential; East: Agriculture (Almonds).

17. Will this operation or equipment used, generate noise above other existing parcels in the area?

No.

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).

Approximately 3,000 gallons / year will be used for maintenance and irrigation purposes.

Perimeter landscaping dripped irrigated from an existing on-site well.

19. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

None.

20. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

Approximately 12 to 15 pounds / week. Refuse to be hauled away by operational / maintenance staff and disposed of at Madera Valley Water Company's maintenance yard refuse bins.

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)

No trees will be removed. Tank foundation will require excavation and grading of soil; 1 to 3 inches of road base gravel will be applied to the surface of the unimproved access road leading to the tank site.

22. Are there any archeological or historically significant sits located on this property? If so, describe and show location on site plan.

No known sites are present on the property.

23. Locate and show all bodies of water on application plot plan or attached map.

None.

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

Schmidt Creek traverses Parcel 036-140-059. (Refer to attached map)

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

No.

26. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)

Project will not require the use of schools, parks or special districts. Project will depend on Madera County Sheriff's Office for law enforcement and Madera County Fire Department for fire and emergency services.

27. How do you see this development impacting the surrounding area?

Given the height and diameter of the water tank structure, the tank structure will be a visual landmark visible from nearby roads, residences and businesses in the area. Residences and businesses in the immediate area will likely have a narrow portion of their viewshed partially obscured.

28. How do you see this development impacting schools, parks, fire and police protection or special districts?

No impact. No new employees will required for the project.

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): Not applicable.

Square feet of building area(s): Not applicable.

Total number of employees: Not applicable.

Building Heights: Not applicable.

30. If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

Not applicable.

COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS

JOHANNES J. HOEVERTSZ
DIRECTOR

2037 West Cleveland Avenue
Madera, CA 93637-8720
(559) 675-7811 Road
(559) 675-7817 Engineering
(559) 675-7820 Special Districts

MEMORANDUM

DATE: July 13, 2015

TO: Becky Beavers

FROM: Madera County Engineering Department

SUBJECT: Madera Valley Water - Project - PC - Madera (036-140-059-000)

Comments

June 25, 2015
RE: PRJ #2015-005

The parcel is within a FEMA Special Flood Hazard Area (SFHA) and any development in the SFHA will need to meet FEMA Floodplain requirements.

A Grading, Drainage, and Erosion Control Permit will be required if grading is over 50 cubic yards.

Leopoldo Espino EIT
Engineer I

Madera County Public Works Department
Capital Improvement Projects Division
200 W. 4th Street, 3rd Floor
Madera, CA 93637
P 559.675.7811 ext 3106
F 559.675.7631
leopoldo.espino@co.madera.ca.gov

EXHIBIT K

RESOURCE MANAGEMENT AGENCY
Environmental Health Department
Jill Yaeger, Director
· 2037 West Cleveland Avenue
· Madera, CA 93637
· (559) 675-7823

MEMORANDUM

TO: Becky Beavers

FROM: Environmental Health Department

DATE: July 13, 2015

RE: Madera Valley Water - Project - PC - Madera (036-140-059-000)

Comments

TO:Planning Department
FROM:Environmental Health Division
DATE:July 6, 2015
RE:Project: #2015-005, Madera Valley Water -
Madera- APN 036-140-059

The Environmental Health Division Comments:

Madera Valley water storage tank project must comply with the State of California Department of Water Resources Division of Drinking Water (DDW) requirements.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

If there are any questions or comments regarding these conditions/requirements or for copies of any Environmental Health Permit Application forms, contact this department at (559) 675-7823.

COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS

JOHANNES J. HOEVERTSZ
DIRECTOR

- 2037 West Cleveland Avenue
- Madera, CA 93637-8720
- (559) 675-7811 Road
- (559) 675-7817 Engineering
- (559) 675-7820 Special Districts

MEMORANDUM

DATE: July 13, 2015

TO: Becky Beavers

FROM: Madera County Engineering Department

SUBJECT: Madera Valley Water - Project - PC - Madera (036-140-059-000)

Comments

The Public Works Department has reviewed the PRJ#2015-005 / Madera Valley Water Co. / APNs 036-140-059 & 060 located along the east side of Road 26, approximately 0.15 miles south of Avenue 18. The Department's conditions of approval are described as follow:

The subject property is not within, or adjacent to, a Maintenance District or Service Area administered by the Public Works Department.

Prior to any construction within the County road of right-of-way, the applicant is required to apply for and obtain an Encroachment Permit from the Public Works Department and pay any applicable fee. Once this permit is secured, the applicant may commence with construction.

The developer is to provide grading, drainage, erosion control, and if applicable, any street improvement plans for the proposed development to the Public Works Department for review.

The developer/contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation. Applicant/Developer shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.

All stabilized construction on and off site access locations shall be constructed per the latest edition of the California Stormwater Quality Association (CASQA) details to effectively prevent tracking of sediment onto paved areas. If applicable, all BMPS to be inspected weekly and before and after each rain event. Repair or replace as necessary. The contractor shall abide all of the laws, ordinances, and regulations associated with the NPDES and the Clean Water Act.

INITIAL STUDY

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor listed below.

❑ Aesthetics	❑ Agriculture and Forestry Resources	❑ Air Quality
■ Biological Resources	■ Cultural Resources	■ Geological / Soils
❑ Greenhouse Gas Emissions	❑ Hazards & Hazardous Materials	■ Hydrology / Water Quality
❑ Land Use / Planning	❑ Mineral Resources	■ Noise
❑ Population / Housing	❑ Public Services	❑ Recreation
❑ Transportation / Traffic	■ Utilities / Service Systems	■ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

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

Signature Date

Printed Name For

EVALUATION OF ENVIRONMENTAL IMPACTS

The following project environmental evaluation checklist is based on the environmental checklist presented in Appendix G of the *California Environmental Quality Act Guidelines* (*CEQA Guidelines*) in a modified form and augmented where applicable to meet the purpose and needs of the Madera Valley Water Company.

The checklist provides a topic-by-topic discussion of the existing conditions that would not be impacted by the approval and implementation of the proposed project as well as the existing conditions that could be directly or indirectly impacted from the approval and implementation of the proposed project. The following definitions are used to determine whether or not the existing environment would affected by the proposed project:

Potentially Significant Impact: There is evidence that the environment would or could be potentially affected by the project for which no mitigation has been identified.

Less Than Significant Impact with Mitigation Incorporated: The environment would be affected by the project; however, incorporation of mitigation measures into or by the project would reduce the affect to a less than significant level.

Less Than Significant Impact: The project is anticipated to affect the physical environment, but the affect would not be considered significant under CEQA relative to applicable thresholds of significance criteria.

No Impact: Means the subject matter does not apply to the proposed project or, based on project-specific factors as well as general standards, the implementation or the long-term operation of the proposed project would not affect the physical environment on or around the project site.

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

Environmental Setting:

The project area is primarily a semi-rural area dominated by agricultural lands to the northwest, north, northeast, east and southeast. Dominant visual features within the project area are rural homesteads, structures supporting agrarian activity (e.g., sheds, barns, livestock paddocks) and commercial development adjoining Road 26. A combined church (Grace Community Church) and private K through 8th grade school (Crossroads Christian School) site abuts the project site's westerly and southerly boundaries.

The immediate area surrounding the project site a combination of flat and undulating topography. The shallow swale depression of Schmidt Creek and a tributary to Schmidt Creek north of the project site are moderately defined. Absent annual planting of fodder, neither Schmidt Creek nor its tributary, north of the project site is vegetated.

The proposed water storage tank site's existing perimeter fencing and access road can be viewed by the public traveling southbound on Road 26, north of the project site. The on-site shallow swale is not visible from the north. From the south and west, the proposed water storage tank site and swale are shielded from public view on Road 26 by the combined church and private school facilities and associated landscape. From the east, the water storage tank site and swale are shielded from public view by an almond orchard.

The nearest residence and place of public gathering, Grace Community Church's pastor residence and the joint Grace Community Church / Crossroads Christian School, respectively are located approximately 120 feet west of the swale and approximately 350 feet southwest of the proposed water storage tank site. Additional residences are located approximately 1,800 feet north, 3,100 feet east, 900 feet south and 1,300 feet west of the proposed water storage tank site.[15]

There are no officially designated state or county scenic highways in Madera County. The only eligible state scenic highway route, though not officially designated, is SR 49 from its intersection with SR 41 at Oakhurst north to the Mariposa / Madera County line.[16] State Route 49 is roughly 30 miles northeast of the project site

Lighting in the vicinity is associated with the residential and commercial areas, nearby roads, and the joint church and private grade school adjacent to the project site. No lighting is present on the project site.

Response to Checklist Questions:

a) **No Impact.** The project site does not provide a vantage point to a scenic vista, nor is the project site visible from any known scenic vista. In this context, the project site does not contribute to and is not part of a designated scenic vista, nor would the proposed project improvements obstruct an important vista.

b) **No Impact.** The project site neither contains nor is adjacent to a county or state designated scenic corridor. There are no designated state or county scenic highways in Madera County.[17]

c) **Less Than Significant Impact.** Construction activities would temporarily degrade the quality of the visual setting in the project area and would increase in visibility from nearby public roads and residences as the elevated water storage tank is erected.

The proposed elevated pedestal water storage tank would be approximately 155 feet tall. The diameter of the enclosed pedestal water storage tank would be 86 feet. Given the height and diameter of the proposed water storage tank structure, the tank structure would be a visual landmark visible from nearby roads, residences and business in the area. On a clear day, based on the proposed physical design and height characteristics of the water storage tank, the tank could potentially be visible 15 miles from the elevated water storage site.[18] In general, the presence of existing structures and vegetation throughout the community and the surrounding project area would obscure all or a portion of the proposed storage tank from view. Nevertheless, residences and businesses closest to

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[15] Google earth, Imagery Date April 5, 2014.

[16] Madera County, *Madera County General Plan Background Report, Chapter 3: Transportation and Circulation*, p3-22.

[17] Ibid.

[18] Based on a clear line of sight at an eye level of 5 feet above surface grade, devoid of structures or vegetation and no ground elevation change. $Distance\ (Miles) = \sqrt{Height\ of\ Object\ (Feet)} + \sqrt{Height\ at\ Eye\ Level\ (Feet)}$

the new tank would more than likely have a narrow portion of their viewshed partially obscured by the proposed elevated water storage tank as depicted in the following images. The following images of a Hydropillar® water storage tank constructed in the City of Ripon, demonstrate the potential views and viewshed loss resulting from constructing the proposed Hydropillar® water storage tank (absent the sports viewing assembly near the bottom of the pillar shown the image) at the project site. The images provide two virtually unobstructed views of varying distances – distances similar to the nearest neighboring properties with homes. The eye level view of image is set at six feet above surface grade.[19]

Hydropillar Water Storage Tank
Visual Prospective at a Distance of 900 Feet

Hydropillar Water Storage Tank
Visual Prospective at a Distance of 1,100 Feet

The exterior of the tank would be painted in a neutral earth tone color compatible with the surrounding rural environment to blend with its rural and agrarian surroundings. No signs, logos or murals are proposed to be painted, mounted or illuminated on the tank's exterior.

While the proposed tank would alter the visual character to an otherwise rural area, the degree of change in the visual character or loss of neighboring or surrounding properties' viewshed would not be substantial based on the location and appearance of the tank.

d) **Less Than Significant Impact.** The project would include new lighting sources for safety and security purposes. Obstruction lighting may be required at the top of the tank in accordance with United States, Department of Transportation, Federal Aviation Administration (FAA) regulations. The proposed tank structure would be painted with a flat paint to prevent glare. Safety and security lighting associated with the project may be visible from some nearby residences. However, the distance between the tank and nearby residences would minimize the potential for light and glare to

[19] Google earth street view image of a hydropillar® elevated tank located in the City of Ripon, California. The tank in the image is similar in height to, but larger in diameter than, the hydropillar® elevated tank proposed to be constructed at the project site.

affect residents or travelers on nearby roads. The proposed project would not substantially increase light or glare in or near the project area, and thus would not adversely affect day or nighttime views in the area.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AGRICULTURE AND FORESTRY RESOURCES				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☑
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☑	☐

Environmental Setting:

The United States Department of Agriculture, Natural Resources Conservation Service (NRCS) and the CDC monitor farmland conversion and have developed methods of categorizing farmland according to its overall agricultural capacity. The CDC oversees the FMMP that delineates important farmland resources in California. The FMMP designates the project site parcels (APNs 036-140-059 and 036-140-060) as Urban and Built-Up Land. The FMMP designates the agricultural parcels adjacent to the north and east of the project site as Farmland of Local Importance. This designation represents lands that are presently under cultivation for small grain crops, but are not irrigated, and lands that are currently irrigated pasture, but have the potential to be cultivated for row / field crop use[20]

[20] State of California, Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program, *Rural Land Mapping Edition, Madera County Important Farmland 2012.*

Madera County General Plan land use designation for the project site is Agriculture Residential (AR). The site is zoned AR-5 (Agricultural, Rural, Five Acre District). The County's AR land use designation and AR-5 zoning surround the project site to the north, east, south and to the west.[21] Existing uses adjacent to the project site include a joint church (Grace Community Church) and private K through 8th grade elementary school (Crossroads Christian School) site to the west and south. Existing land uses to the north and east are agriculture. The area to the north is used to grow and harvest fodder annually, and the area to the east is an almond orchard.

Neither the project site nor the adjacent parcels are subject to, or enrolled under, a Williamson Act contract.[22]

Response to Checklist Questions:

a) **No Impact.** The project site does not include lands designated by the California Department of Conservation FMMP as Prime Farmland, Farmland of Statewide Importance or Unique Farmland. The project site is designated by the California Department of Conservation FMMP as Urban and Built-Up Land.[23] Since the proposed project would not convert Prime Farmland, Farmland of Statewide Importance or Unique Farmland to non-agricultural use, there would be no impact on these resources.

b) **No Impact.** The Madera County General Plan use designation for the project site is AR. The site is zoned AR-5. Madera County's General Plan Agricultural Residential land use designation provides for single family detached homes, secondary units, limited agricultural uses, public and quasi-public uses, and similar and compatible uses. For nonresidential uses, the floor area ratio (FAR) cannot exceed 0.10.[24]

Chapter 18.54 of the Madera County Code of Ordinances provides a list of land uses permitted as well as land uses allowed on property zoned AR-5 subject to a conditional use permit. Except as otherwise permitted, any building or use operated by any local, state or federal agency, or special district is permitted in any zone district by means of a conditional use permit. Location, building and site plans, and plan of operations are subject to approval by the zoning agency. Quasi-public (e.g., mutual water company) facilities or its uses are neither listed as a permitted, conditionally permitted or as a prohibited use in an AR-5 zone.[25,26]

The proposed project would not conflict with a Williamson Act. Neither the project site, nor the adjacent parcels is subject to, or enrolled under, a Williamson Act contract.

c, d) **No Impact.** The project site, nor adjacent lands, are designated or zoned for timberland or timberland protection. Therefore, there would be no impact on these resources.

e) **Less Than Significant Impact.** The irregular shaped project site represents a small area (approximately 2.7 acres) spanning over two parcels (APNs 036-140-059 and 036-140-060). APN 036-140-059, owned by Grace Community Church, is developed. APN 036-140-060, which is owned by the Madera Valley Water Company for the purpose of installing the proposed elevated water storage tank, is presently fenced and undeveloped. While the proposed project would introduce a

[21] County of Madera, *Zoning Map*

[22] County of Madera Assessor Office, *Assessor's Map Bk. 36-Pg.14, County of Madera, California*

[23] State of California, Department of Conservation, Division of Land Resources Protection, Farmland Mapping and Monitoring Program, *Rural Land Mapping Edition, Madera County Important Farmland 2012.*

[24] County of Madera, *Madera County General Plan Policy Document*, p9.

[25] County of Madera, *Madera County Code of Ordinances, Chapter 18.54.*

[26] Ibid, *Chapter 18.94.*

new and additional urban use to the project site and surrounding area, it would not restrict current agricultural activities on the surrounding lands or result in an indirect conversion of agricultural lands to non-agricultural use. No active agricultural land is anticipated to be affected by the proposed project.

Typically, agricultural-urban interfaces result in potential conflicts between agricultural practices and adjacent land owners. Pesticides application, generation of noise and dust from farm equipment, and shared roadways with farm trucks and tractors are common sources of these conflicts. The proposed improvements, due to its purpose, would not result in these types of conflicts. Nor would the proposed improvements conflict with off-site agricultural land uses or likely encourage or facilitate the conversion of adjacent farmland to non-agricultural uses. Therefore, the proposed project would not likely result in the conversion of adjacent lands designated by the CDC as Farmland of Local Importance to a non-agricultural use.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
AIR QUALITY				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☑	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☑	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☑	☐

Environmental Setting

The project is located in the central section of the San Joaquin Valley Air Basin (Air Basin). The Air Basin, which occupies the southern half of California's Central Valley, is under the jurisdiction and of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Other air quality regulatory agencies include the California Air Resources Board (CARB) and the United States Environmental Protection Agency (USEPA). The SJVAPCD shares responsibility with CARB for ensuring that all state and federal ambient air quality standards are attained within the Air Basin. The SJVAPCD, which is responsible for the

attainment of state and federal air quality standards in the Air Basin, develops rules, regulations and policies to comply with applicable state and federal air quality legislation.

Concentrations of the following air pollutants are used as indicators of ambient air quality conditions: ozone (O_3); carbon monoxide (CO); nitrogen dioxide (NO_2); sulfur dioxide (SO_2); suspended respirable particulate matter less than 10 microns in diameter (PM_{10}); and suspended fine particulate matter less than 2.5 microns in diameter ($PM_{2.5}$). These pollutants are commonly referred to as "criteria air pollutants".

The Air Basin air quality status is presently in "severe" nonattainment for the state 1-hour O_3 standard; "extreme" nonattainment and nonattainment for the federal and state 8-hour O_3 standards, respectively; nonattainment for federal PM_{10}; and nonattainment for state and federal $PM_{2.5}$ standards. Maximum concentrations of other criteria pollutants are currently within federal and state standards.[27]

Criteria air pollutant concentrations are monitored and measured at two monitoring stations located in Madera County.[28] The nearest air quality monitoring station to the project site, located in the City of Madera – 28261 Avenue 14 (CARB Site Number 10241), approximately 4.5 miles southeast of the project site. The Avenue 14 air quality monitoring station measures metrological conditions, CO, O_3, $PM_{2.5}$ and PM_{10} concentrations.

Table 1 below summarizes available air quality data in vicinity of proposed project from 2011 through 2013. Both CARB and USEPA use the monitoring data to designate areas according to their attainment status for criteria air pollutants.

Table 1 Summary of Ambient Air Quality Monitoring Data

Pollutant	2011	2012	2013
Ozone (O_3)[a]			
Maximum Concentration (1-hr / 8-hr, ppm)	0.095 / 0.084	0.120 / 0.105	0.121 / 0.101
Number of Days State Standard Exceeded (1-hr /8-hr)	1 / 28	9 / 48	3 / 46
Number of Days Federal Standard Exceeded (1-hr / 8-hr)	0 / 15	0 / 30	0 / 22
Respirable Particulate Matter(PM_{10})[a]			
Maximum Concentration (µg /m³)	11.8	115.3	110.3
Number of Days State Standard Exceeded (calculated)	*	*	*
Number of Days Federal Standard Exceeded (calculated)	0	0	0
Fine Particulate Matter($PM_{2.5}$)[a]			
Maximum Concentration (µg /m³)	71.2	58.8	87.5
Number of Days Federal Standard Exceeded (calculated)	34	16	24

Notes: µg /m³= micrograms per cubic meter; ppm = parts per million;

* = insufficient data available to determine the value

[a] Measurements taken at City of Madera – 28261 Avenue 14 Station

Source: California Air Resources Board

[27] San Joaquin Valley Air Pollution Control District, *Ambient Air Quality Standards & Valley Attainment Status.*

[28] San Joaquin Valley Air Pollution Control District, *Air Monitoring Sites in Operation.*

Few pollutant sources exist in the immediate vicinity of the project area. The pollutant sources in the immediate vicinity of the project site are limited to periodic vehicle traffic on nearby roads, and rural residential, commercial and agricultural activities. The nearest sensitive receptors to air pollutants are residences along Road 26 and Pied Piper Lane, and the combined Grace Community Church and Crossroads Christian School abutting the project site.[29]

Response to Checklist Questions:

a) **Less Than Significant Impact.** The proposed project would result in minimal and temporary air emissions for criteria pollutants regulated by SJVAPCD during project construction and during maintenance needs of the facility following construction. The proposed project would not result in long-term air pollutant emissions from a stationary source given the proposed project does not include electrical or fuel-based powered pumps or motors, and would require minimal storage and use of chemicals.

Given the type and size of the proposed project improvements and that the proposed project improvements are consistent with the County's land use designation and zoning, the proposed project would not be in conflict with or obstruct implementation of SJVAPCD's air quality plans. As a project consistent with the County's General Plan land use and zoning maps, the project would not result in emissions beyond those accounted for in SJVAPCD's regional emissions inventory.

b) **Less Than Significant Impact.** The proposed project would result in short-term air pollutants regulated by SJVAPCD from the use of heavy equipment that generates dust, exhaust and tire-wear emissions, soil disturbance, materials used in construction and construction traffic. These activities would create short-term increase in fugitive dust (PM_{10} and $PM_{2.5}$), and would generate both reactive organic compounds (ROG) and nitrogen oxides (NOx) emissions from vehicle and equipment operations. Fugitive dust emissions could affect local air quality in the vicinity of the project area, but would not be expected to contribute substantially to regional air quality.

The proposed project would not require additional employees to operate or maintain the new facilities. As such, the majority of project emissions would be generated during the construction of the proposed project.

Significant thresholds have been developed by the SJVAPCD and are contained within SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI) and are identified in Table 2 Construction Emissions. For the purpose of this analysis, project emissions are considered potentially significant if thresholds identified in Table 2 are exceeded.

The California Air Resources Board's CalEEMod, version 2013.2 emissions program was used to quantify potential emissions associated with project construction and operational activities. For the purpose of this analysis, construction was assumed to take place in 2015 and 2016. Type and amount of construction equipment was based on the model's default settings. CalEEMod emissions program results and project input data for the air emissions program are provided in Appendix A of this Initial Study.

Project construction activities would result in short-term ozone precursor emissions from heavy equipment and motor vehicles, as well as fugitive dust emissions that could affect local air quality. Fugitive dust emissions would occur during project excavation, trenching, backfilling, grading and other ground disturbance activities. Fugitive dust emissions would vary considerably during construction on a daily basis depending on the amount of construction activity, as well as ambient

[29] Google earth, Imagery Date April 5, 2014.

conditions such as wind speed, soil moisture content, etc. Diesel PM emissions from heavy equipment would be generated during project construction activities as well as from the transport of construction material.

As shown in Table 2 Construction Emissions, construction activities associated with the proposed project could generate as much as 2.08 tons / year of ROG and 2.87 tons / year of NO_x.

Based on the information provided in Table 2, specific emissions of criteria pollutants are not expected to exceed SJVAPCD significance thresholds of 10 tons / year for NO_X, and ROG, 27 tons /year for SO_x, 15 tons / year for $PM_{2.5}$ and PM_{10} or 100 tons /year for CO.

Table 2 Construction Emissions

	ROG	NOx	SOx	PM_{10}	$PM_{2.5}$	CO
Construction Year 2015						
Maximum Tons/Year – All Activities	0.54	2.87	.00	0.74	0.45	2.38
SJVAPCD Threshold	10	10	27	15	15	100
Exceed Threshold	No	No	No	n/a	No	No
Construction Year 2016						
Maximum Tons/Year – All Activities	2.08	2.69	0.00	0.20	0.17	2.69
SJVAPCD Threshold	10	10	27	15	15	100
Exceed Threshold	No	No	No	No	No	No
Total Construction Emissions						
Maximum Tons/Year – All Activities	2.62	5.56	0.00	0.94	0.62	5.07
Exceed Threshold	No	No	No	No	No	No

Notes: Total number of annual construction days = 250 days. Construction emissions measured in Tons \ Year.
Emission estimates represent maximum unmitigated conditions.

Data Source: CalEEMod, version 2013.2

Nonetheless, the proposed project may be subject to SJVAPCD's Rule 2010 (Permits Required), and may be subject to SJVAPCD's Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations, Rule 9510 (Indirect Source Review), and / or possibly other applicable SJAPCD rules, regulations or permits. Project compliance with SJVACPD rules and regulations are intended to mitigate project impact on air quality through project design elements or by payment of applicable off-site mitigation fees.

MVWC would be required to consult with SJVAPCD prior to approval of project improvement plans to determine SJVAPCD's regulatory requirements (rules and regulations) applicable to the project, and comply with SJVAPCD's regulatory requirements as determined by SJVAPCD. Issuance of an Authority to Construct Permit from SJVAPCD may be required prior to the commencement of project improvements. With project compliance with applicable SJVAPCD permits, impacts from construction of the project would be less than significant and no additional mitigation measures would be required.

c, d) **Less Than Significant Impact.** The proposed project would contribute to the cumulative increase of O_3, $PM_{2.5}$ and PM_{10} emissions for which the Air Basin air quality status is either identified as severe or extreme nonattainment for state or federal standards, and thus indirectly expose sensitive receptors to substantial pollutant concentrations.

To minimize the project's potential effects from fugitive dust emissions during project construction, the project would be required to implement "best management practices" specified by SJVAPCD's Rules 8011 – 8081 under Regulation VIII (Fugitive PM_{10} Prohibitions). Site watering and covering of storage piles are all practices required by Regulation VIII. The project contractor may be required to prepare a Dust Control Plan subject to approval by SJVAPCD, as specified in Rule 8021, and secure applicable permits from SJVAPCD prior to commencement of any earth disturbing or demolition activity. Compliance with measures specified by SJAPCD's Rule 8011 - 8081 under Regulation VIII would ensure that fugitive dust and particulate matter emissions associated with project construction and demolition activities would be minimized. The project would not generate substantial pollutant concentrations with implementation of SJVAPCD's Regulation VIII or other applicable SJVAPCD permit requirements. With project compliance with applicable SJVAPCD permits, impacts from construction of the project would be less than significant and no additional mitigation measures would be required.

e) **Less Than Significant Impact.** Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting and headache). With respect to odors, the human nose is the sole sensing device. The ability to detect odors varies considerably among the population and overall is quite subjective.

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Although offensive odors rarely cause any physical harm, they still can be unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

The construction of the project would likely create objectionable odors that could affect nearby sensitive receptors. Odors from the use of on-site equipment during construction activities would be intermittent and temporary, and would dissipate rapidly from the source with an increase in distance, and as such, considered a less than significant impact. Painting of the proposed project structure would also emit odors. Painting of the proposed project structure would occur over a two month period. Similar to odors from the use of on-site construction equipment, paint odors would dissipate rapidly from the source with increase in distance, and as such, also considered a less than significant impact.

Objectionable odors could occur during general facility maintenance and cleaning activities. However, it is unlikely neighboring properties would notice objectionable odors that may be emitted during general facility maintenance or cleaning activities. Any potential odor resulting from general facility maintenance or cleaning activities would dissipate rapidly from the source with increase in distance. It is unlikely neighboring properties would file an odor complaint as result of the operation of the proposed elevated water storage tank. Therefore, the proposed project would have a less than significant impact to sensitive receptors.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☑	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☑
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☑	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☑	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

Environmental Setting

A reconnaissance level field survey for flora, fauna and jurisdictional waters was performed on October 15, 2015. At the time of the project area field visit, the water storage tank site was devoid of vegetation. Common native and non-native grasses and forbs were observed lining the peripheral edges of the access road leading to the proposed water storage tank site, and within the unimproved areas between the facilities of Grace Community Church and Crossroads Christian School and the surface road leading to the proposed storage tank site. Vegetation observed included species such as ripgut (*Broms diandrus*), goats head (*Tribulus terrestris*), and horseweed (*Conyza Canadensis*), among others. Redwoods (*Sequoia sempervierns*) and

camphor trees (*Cinnamomum camphora*) were planted along the western and southern fence line. No natural terrestrial or aquatic communities are present on the project site.

The Grace Community Church / Crossroads Christian School facility grounds consist almost exclusively of horticultural plant species that are not native to the San Joaquin Valley. Remnant vegetation east of the facility grounds, between the facility grounds and water storage tank site include vegetation similar to the margins of the access road as well as curly dock (*Rumex crispus*), wild radish (*Raphinus sativa*), black mustard (*Brassica nigra*), common tarweed (*Centromadia pungens*), and rip-gut brome (*Bromus diandrus*), among others. This vegetative habitat limits opportunities for native terrestrial vertebrates, but is used by native species to some extent. Horticultural trees and shrubs often provide nesting habitat for western scrub jays (*Alphelocoma californica*) northern mockingbirds (*Mimus polglottus*), house finches (*Carpodacus mexicanus*) and house sparrows (*Passer domestricus*), as well as seasonal cover to a large number of native birds passing through the area during migration.

The project site habitat provides foraging habitat for avian species. Small mammals are likely to be present on the project site and adjacent agricultural fields. Few amphibians or reptiles are likely to use the project site or adjacent agricultural fields for foraging, breeding or cover. A few common amphibians and reptiles are likely to use the project site. Western fence lizards (*Sceloporus occidentalis*) likely sun themselves on the access road and open areas of the site. The presence of birds and small mammals is likely to attract predatory birds and mammals tolerant of human disturbance. Various mice and rats, such as the house mouse (*Mus musculus*) and black rat (*Rattius rattus*), are likely to nest on-site and in adjacent agricultural fields, and forage around the project site. The presence of amphibians, reptiles, birds, and small mammals provide foraging opportunities for raptors and predatory mammals.

A number of animal species are expected to use the agriculture fodder field north of the project site, especially in the spring and early summer. Reptile species occurring in the agricultural field would be same reptiles species expected to use the church and school grounds. Resident bird species expected to use this habitat would be Brewer's blackbirds (*Euphagus cyanocephalus*), brown-headed cowbirds (*Molothrus ater*), and European starlings (*Sturnus vulgaris*), among others. Wintering birds that may use the agricultural field would be the savannah sparrow (*Passerella sandwichensis*), American pipit (*Anthus rubescens*), and Say's phoebe (*Sayornis saya*), among others. Summering migrants such as the barn swallow (*Hirundo rustica*) may forage the field.

The CDFW, California Natural Diversity Data Base (CNDDB) was used to search the USGS 7.5 minute quadrangle of the project site (Kismet) and the eight quadrangles surrounding the project site (Bonita Ranch, Brenda, Daulton, Gregg, Le Grand, Madera, Raymond and Raynor Creek) for special status plant and animal species, and natural communities of special concern. The search lists 13 special status plant species and 27 special status animal species that occur or could have the potentially to occur in the project region.[30,31,32] Appendix B of this Initial Study lists the special status species known to occur or potentially occur in the project region.

Natural drainage channels and adjacent wetlands may be considered "Waters of the United States" (jurisdictional waters) subject to the jurisdiction of the USACE, CDFW and the Regional Water Board. The USACE regulates the filling or grading of such waters under the authority of Section 404 of the Clean Water Act. All activities involving the discharge of fill into jurisdictional waters are subject to the permit

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[30] State of California, The Natural Resources Agency, Department of Fish and Wildlife, *California Native Diversity Data Base.*

[31] State of California, The Natural Resources Agency, Department of Fish and Wildlife, *State and Federally Listed Endangered, Threatened, and Rare Plants of California.*

[32] State of California, The Natural Resources Agency, Department of Fish and Wildlife, *California Natural Diversity Database, Special Animals Report.*

requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that would result in no net loss of wetlands functions or values. No permit can be issued until the California Regional Water Quality Control Board – Central Valley (Central Valley Water Board) issues a certification that the proposed activity will meet state water quality standards. The Central Valley Water Board is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit.

Schmidt Creek and its upland tributaries, all of which are ephemeral streams, likely fall under the jurisdiction of USACE pursuant to the Clean Water Act. Schmidt Creek also falls under the jurisdiction of the CDFW pursuant to the Fish and Game Code. Schmidt Creek is approximately 60 feet northwest and 100 feet north of the project site.

Response to Checklist Questions:

a) **Less Than Significant with Mitigation Incorporated.** Of the list of special status plant and animal species known to have once occurred within the project vicinity, 24 of the 27 special status animal species and all 13 special status plant species are absent or unlikely to occur on the project site. Historic and current practices have rendered on-site lands and surrounding lands unsuitable for special status plant species. Therefore the proposed project would have no impact on regional populations of the 13 special status plant species.

Three special status animal species may regularly or occasionally forage on the project site. The three special status animal species that may regularly or occasionally use the site for foraging are the mountain plover (*Charadrius montanus*), loggerhead shrike (*Lanius ludovicinus*), and the burrowing owl (*Athene cunicularia hypugaea*). Project impacts would be temporary and the animals using the site for foraging would be able to continue to use the site following completion of the proposed project.

Of the 3 special status species that may regularly or occasionally forage on the project site, 1 species may also potentially breed, nest, roost or den on-site. The one special status species that may potentially breed, nest, roost or den on-site is the burrowing owl. While nesting habitat for the loggerhead shrike is abundant in the adjacent orchard, nesting habitat for the loggerhead shrike is absent on-site.

Nesting raptors or migratory birds could be potentially at risk of construction related injury or mortality as result of project improvements proposed at the project site. While nesting trees for raptors and migratory birds are absent from the project site, nesting habitat is present adjacent to the site. Ground-nesting birds may use on- and off-site access roads or borrows for nesting. Species such as killdeer could nest in even the most disturbed habitats of the project site.

Project related construction activities that occur while birds are nesting (February 1 to August 31) could destroy on-site nests or result in nest abandonment and mortality of nestlings. Project related activities that destroy nests and / or cause on- or off-site nest abandonment would be a violation of the federal Migratory Bird Treaty Act. A pre-construction survey would need to be performed to avoid potential impacts to nesting raptors and other migratory birds should land clearing, grubbing, scraping, excavation, leveling or the use of heavy equipment occur between September 1 and January 31. Implementation of Mitigation Measure 1 would ensure that potential project impacts to nesting raptors or migratory birds would be reduced to a less than significant level.

While burrowing owls were not observed on the project site, suitable nesting habitat in the form of ground squirrel burrows and marginal foraging habitat have been identified within the proposed project's drainage area and the adjacent fallow fields and field edges. If burrowing owls are present adjacent to the project site at the time of project construction activities, such activities (i.e., clearing, grubbing, scraping, excavation, grading) could potentially result in the mortality of individual owls, nest destruction, and / or nest abandonment. Project related activities involving heavy equipment

or the movement of earth by heavy equipment that would result in burrowing owl mortality or that would destroy nests and / or cause nest abandonment would be a violation of the California Fish and Game Code and the federal Migratory Bird Treaty Act and a potentially significant impact.

A pre-construction "take avoidance" survey described in the CDFW *Staff Report on Burrowing Owl Mitigation* would need to be performed to assure no impact to burrowing owls. The pre-construction / pre-activity surveys would need to be conducted within 14 days of the on-set of project ground disturbance and / or construction activities, or any project activity on the project site likely to affect burrowing owls within or near construction zones. Implementation of Mitigation Measure 2 would ensure that potential project impacts to burrowing owls would be reduced to a less than significant level.

b) **No Impact.** The project site and surrounding lands are absent of any riparian habitat, sensitive natural communities of special concern or of any critical habitat designated by CDFW or the United States Fish and Wildlife Service (USFWS) as critical habitat essential for the preservation and recovery of state and / or federally listed plant or animal species. The proposed project would not result in any direct or indirect impacts to a riparian corridor, stream channel, or potentially viable habitat in which sensitive species could be found. Therefore, the project would have no impact.

c) **Less Than Significant Impact.** No jurisdictional waters are located on the project site. The project site does not possess any features of a river, creek, stream, drainages or other form of water course. The nearest potential jurisdictional waters are Schmidt Creek and an unnamed ephemeral channel north of Schmidt Creek that drains into Schmidt Creek. Schmidt Creek is approximately 60 feet northwest and 100 feet north of the project site. The proposed project does not include fill into the potential jurisdictional waters. Therefore, the proposed project would have no direct impact on federally protected wetlands as defined by Section 404 of the Clean Water Act.

Indirect impacts to jurisdictional waters could occur from ground-disturbing activities that cause downstream sedimentation or from pollutants in runoff. Indirect impacts are discussed further in the Hydrology and Water Quality section of this Initial Study. Water quality-related impacts would be minimized through implementation of Best Management Practices (BMPs) required for compliance with the "Statewide General Permit for Discharges of Storm Water Associated with Construction Activities."

d) **Less Than Significant Impact.** The project site does not possess any features of a river, creek, stream, drainages or other form of water course. Wildlife nursery sites are absent from the project site. Due to limited nesting habit, colonial nesting birds are unlikely to nest on or adjacent to the project site in the future. Therefore, the proposed project would result in less than significant effects on wildlife nursery sites.

Wildlife movement corridors are absent from the project site. While Schmidt Creek and its upland tributaries, north of the project may facilitate movements of some resident species, channelization and narrowing of the Schmidt Creek corridor west of the project site (west of Road 26) serves as a significant barrier to its use as a movement corridor. Furthermore, the chain-link fence surrounding the proposed water storage tank site discourages species that may disperse along Schmidt Creek from entering the proposed water storage tank site. Therefore, the proposed project would unlikely have a significant impact on the movement of any native resident or migratory fish, wildlife species, or with an established native resident or migratory wildlife corridor.

e) **No Impact.** The *Madera County General Plan* sets the direction for the future of the County. The proposed project would be in compliance with the provisions of the *Madera County General Plan* policies.[33]

f) **No Impact.** Neither the project site, nor the immediate area surrounding the project site is subject to an adopted or proposed local, regional or state habitat conservation plan (HCP) or other similar types of conservation plans (i.e., natural habitat conservation plan). Therefore, the project would not conflict with the provisions of an adopted or proposed HCP or other similar approved local, regional or state habitat conservation plan.

Mitigation Measures:

1. A pre-construction survey shall be conducted for all nesting birds by a qualified biologist within 30 days of the onset of any project improvement activity (i.e., land clearing, grubbing, scrapping, excavation, land leveling, grading, cut and fill, vegetation removal or demolition) should such activities commence during the breeding season (February 1 through August 31). The survey shall be conducted on and adjacent to the project site where feasible for active raptor and migratory bird nests.

   Should any active nest be discovered, the biologist shall consult with California Department of Fish and Wildlife (CDFW) to identify a suitable construction –free buffer around the nest. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the end of the breeding season, or until a qualified biologist determines that all young have fledged and are no longer reliant on the nest or parental care for survival.

   If no active nests are found during the nesting season, the biologist shall provide the Madera Valley Water Company (MVWC) and the County of Madera with a report identifying the survey protocol and summarizing the results. This report shall be retained by MVWC as well as on the project site by the project contractor so that if CDFW inquires about possible impacts to nesting raptors and / or migratory birds, the report would be available for CDFW review.

2. A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 14 days of the onset of project construction. The survey shall be conducted to the methods described in the California Department of Fish and Wildlife's (CDFW) *Staff Report on Burrowing Owl Mitigation* and include all suitable habitat on-site as well as off-site within 500 feet of the project site perimeter.

   If a pre-construction survey is undertaken during the breeding season (February 1 through August 31), the survey shall locate active nest burrows within or near the construction zones, these nests and an appropriate buffer around (as determined by a qualified biologist) would remain off-limits to construction until the breeding season is over, unless otherwise arranged with CDFW. The buffer area shall be enclosed with temporary fencing to prevent the entry of construction equipment and workers. After the breeding season (i.e., once all young have left the nest), passive relocation of any remaining owls may take place as described below.

   During the non-breeding season (September 1 through January 31), resident owls may be relocated to an alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation would be the preferred method of relocation. The relocation plan must provide for the owl's relocation to nearby lands possessing available nesting and foraging habitat.

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[33] County of Madera, *Madera County General Plan Policy Document*, Adopted October 24, 1995.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☑	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☑	☐	☐

Environmental Setting:

The Yokuts originally inhabited the Central Valley, including the project area. The Yokuts were divided into tribes, each with a name, dialect and territory. Villages were frequently located on flats adjoining river and stream channels. With arrival of the Spanish, the Yokuts were forcibly relocated to missions, and their population began to decline. An outbreak of malaria in 1833 reduced the population by 75 percent. The gold rush and increasing European settlement of the Central Valley further reduced the Yokuts population.

Cultural artifacts of this era are likely to be found along waterways in the Central Valley, including along Schmidt Creek and its tributaries. Potential artifacts that may be found along waterways include fishing and food gathering and processing tools.

The gold rush was the catalyst for major settlements and development of the region. As miners migrated south from the Columbia – Sonora goldfields, many settled on the valley floor. The population increased steadily as the Central Pacific Railroad established lines in the San Joaquin Valley in 1872. In 1876, the California Lumber Company officially laid out the Town of Madera. The Town of Madera became the County seat when the County was established in 1893.[34]

The project site has been subject to intensive disturbances. Portions of project site have been excavated and substantially re-contoured, and the site is generally devoid of vegetation. No unique geological feature is present within or adjacent to the project site.

An archive / literature and site records search at the California Historical Resources Information System (CHRIS), Central California Information Center at California State University, Bakersfield was commissioned. Based on CHRIS data files, there have been no previous cultural resources studies conducted within the project area. Two studies (MA-00135 and MA-00739) were previously conducted within a one-half mile radius of the project site. There are no recorded cultural resources within the project

[34] City of Madera, *City of Madera General Plan Update Draft Environmental Impact Report, pp4.11-3 – 4.11-4.*

area or within one-half mile radius and it is not known if any exist there – a "no data" does not mean negative data.[35]

A sacred lands file search at the California Native American Heritage Commission (NAHC) was also commissioned. Search of the NAHC Sacred Lands File failed to indicate the presence of Native American traditional cultural place(s) within or adjacent to the project site.[36]

The NAHC provided a list of nine individuals / organizations for further consultation.[37] Consultation letters were sent to local Native American tribes, individuals and organizations mostly likely to have knowledge of cultural resources in or near the project site / and or have concerns about the proposed project. Of the 9 letters sent to local Native American tribes, individuals and organizations, only 1 responded – North Valley Yokuts Tribe. The North Valley Yokuts Tribe had no concerns at this time.[38]

Paleontology resources (fossils) are defined as any trace of past life form. While wood, bones and shells are the most common fossils, under certain conditions, soft tissues, tracks and trails may be preserved as fossils. Fossils are most commonly found in sedimentary rock layers. A number of federal statutes specifically address paleontological resources, their treatment, and mitigation (e.g., Omnibus Public Land Management Act of 2009 [16 U.S. Code 470aaa]). Under California law, paleontological resources are protected by CEQA.

The project site is approximately 7.5 miles southeast from the largest paleontological finds in Madera County – Fairmead Landfill site. Of the 199 locations in Madera County where paleontological resources have been identified, 192 were discovered at the Fairmead Landfill.[39]

Response to Checklist Questions:

a) **No Impact.** No known historical or potential historical resource is present on the project site or within the vicinity of the project. Therefore, no impacts are expected to recorded or potentially eligible historical resources.

b) **Less Than Significant with Mitigation Incorporated.** It is possible artifacts could be unearthed discovered during ground disturbing construction activities on the project site. Possible discovery of prehistoric or historical resources could include the fragmentary remains of prehistoric camp site – lithic debitage, fishing or other food gathering or processing tools, baked clay, beads, faunal bone and shell. If such resources were discovered, the impact to archeological resources could be significant without mitigation. Implementation of Mitigation Measure 3 would ensure that potential project impacts would be reduced to a less than significant level.

c) **No Impact.** The geography and geology of the project site suggest that it most likely does not contain fossil resources as paleontological resources are generally found in sedimentary bedrock formations.

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[35] Celeste M. Thomson, Coordinator, California Historical Resources Information System, Central California Information Center, California State University, Bakersfield to Jacob Skinner, Associate Planner, Towne Planning and Environmental, November 24, 2014 Letter, Subject: Elevated Water Storage Tank Project (Record Search 14-414), pp1-2.

[36] Katy Sanchez, Associated Government Program Analyst, State of California Native American Heritage Commission to Gary Conte, Towne Planning & Environmental, November 21, 2014 Facsimile Letter, Subject: Madera Valley Water Company – Water Storage Tank, Madera County, p1.

[37] Ibid, pp2-3.

[38] Katherine Eroline Perez, North Valley Yokuts Tribe to Gary Conte, Towne Planning & Environmental, November 28, 2014 Email, Subject: Re: Madera Valley Water Company Water Tank Project – Native American Consultation, p1.

[39] City of Madera, *City of Madera General Plan Update Draft Environmental Impact Report, 4.11 Cultural and Paleontological Resources*, pp4.11-5.

The project site is located on alluvium of considerable depth. Bedrock is not expected to be encountered during construction activities. Therefore impacts to paleontological resources are not expected.

There are no know unique geologic features within or adjacent to the project site. Therefore, no impacts are expected to unique geologic features.

d) **Less Than Significant with Mitigation Incorporated.** There are no known formal cemeteries or known interments to have occurred at the project site. Though unlikely, should human remains be discovered during ground disturbing construction activities on the project site, such discovery would be considered a significant impact without mitigation. Implementation of Mitigation Measure 4 would ensure that proposed project impact would be reduced to a less than significant level.

Mitigation Measures:

3. In the event an archeological resource is discovered during construction activities, all construction activity shall immediately cease and the Madera Valley Water Company and the Madera County Planning Department shall be notified.

   Madera Valley Water Company (MVWC) shall retain a qualified cultural resources specialist to perform necessary investigation(s) to determine the significance of the find and identify measure(s) to address the find (e.g., avoidance, preservation in place, excavation, documentation, curation). If the cultural resource find is determined to be of possible Native American artifact, the local Native American Tribe contact as identified by the Native American Heritage Commission shall be contacted and consulted with identifying and preserving the artifact(s).

   MVWC shall implement prescribed measures deemed appropriate by the cultural resources specialist for recordation and / or protection of the cultural resources.

4. In the event human remains are discovered during construction activities, all construction activity shall immediately cease and the Madera County Sheriff - Coroner Office shall be contacted in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.8 of the California Public Resources Code.

   If human remains are determined to be of possible Native American descent, the coroner shall notify the Native American Heritage Commission, who will appoint a Most Likely Descendent, and the procedures outlined in California Code of Regulations Section 15064.5(d) shall be followed.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
GEOLOGY AND SOILS				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving?	☐	☑	☐	☐
b) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other	☐	☐	☑	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
	substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				
c)	Strong seismic ground shaking?	☐	☐	☑	☐
d)	Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
e)	Landslides?	☐	☐	☐	☑
f)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☑	☐
g)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☑	☐
h)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☑
i)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑

Environmental Setting:

California geology is separated into 11 general geomorphic provinces or regions. The project site lies within the Great Valley Geomorphic Province, described as a broad sediment-filled nearly flat alluvial plan, extending from the northern part of Sacramento Valley to the southern part of the San Joaquin Valley. The Province is approximately 50 miles wide and 400 miles in length. The project site is located within the San Joaquin Valley section of this Province, which is bound to the west by the California Coast Ranges and to the east by the Sierra Nevada mountains. The valley has been filled with a sequence of older to younger sedimentary alluvial deposits of Pliocene to Holocene age overlying sedimentary rocks of Cretaceous to Tertiary age. The shallow subsurface geology of in this portion of the valley is a mix of sand and silt.

The predominant soil unit mapped within the project site is Delhi sand, 0 to 3 percent slopes (DeA). Lesser soil units mapped within the project site are Cometa sandy loams, 3 to 8 percent slopes (CuB) and Tujunga loamy sand, moderately deep and deep over hardpan, 0 to 3 percent slopes (TxA).The Delhi sand, 0 to 3 percent slopes soil type is comprised of modified sandy alluvium derived from granite, is considered somewhat excessively drained soils.[40]

In general, the near surface soils across the water storage tank site consist of undocumented silty sand fill soils to a depth of 0.5 to 1 foot below surface grade. Native silty sands are present under the near surface

[40] United States, Department of Agriculture, Natural Resources Conservation Services, *Web Soil Survey.*

soils to depths of 33 to 45 feet below surface grade. Weakly cemented silty sands (hardpan) are found at various depths from approximately 2.5 to 8.5 feet below surface grade. The native silty sands are underlain predominantly by layers of sandy silt and deeper silty sands with some lean clay layers to depth 91 feet and more below surface grade.[41]

The project site is not within an Alquist – Priolo Earthquake Zone. The State of California has designated the area encompassing the project site as a Seismic Zone 2. A Seismic Zone 2 can expect to experience ground motion of low severity.[42]

Five major active and potentially active faults are within the vicinity of project site – San Andreas, Segment 9 of the Great Valley Fault (San Joaquin), Ortigalita, Owens Valley and Melones faults. Of these, the San Andreas and the Owens Valley faults are expected to be the sources of future major earthquakes. The closest active fault is the Great Valley Fault approximately 35 miles west of the project site.[43,44]

The project site would be subject to ground shaking from the active and potentially active faults in the surrounding area. Ground shaking at the project site would depend on the magnitude and location of an earthquake and project area soils. Peak ground accelerations in the project area, as estimated by the California Geological Society, range from 0.1 to 0.2 gravity (g). Peak ground acceleration range of 0.1 to 0.2g corresponds to a maximum Modified Mercalli Scale Intensity Value of VII. A Modified Mercalli Scale Intensity Value of VII would result in negligible damage in buildings of good design and construction, slight to moderate damage to well-built ordinary structures, and considerable damage in poorly built or designed structures.

Soil compaction and settlement can result from seismic ground shaking. If sediments which compact during an earthquake are saturated, water from voids is forced to the ground surface, where it emerges in the form of mud spouts or sand boils. If the soil liquefies in this manner (liquefaction), it loses its supporting capacity with the result that structures may settle into ground. No specific liquefaction hazards have been identified or mapped in Madera County. Nonetheless, the potential is recognized throughout the San Joaquin Valley where unconsolidated sediments and a high water table coincide. The depth to groundwater in and around the project site is not conductive to liquefaction – depth to groundwater in the area, according to a groundwater map produced by DWR, is approximately 270 feet below the surface. Groundwater was not encountered in the test borings drilled at the proposed water storage tank site. [45]

Soil subsidence, the lowering of the ground surface caused by such factors as compaction or a decrease in groundwater, can result from both natural and man-made phenomena. Natural phenomena that may include subsidence include seismically induced settlement (liquefaction), soil consolidation, oxidation or dewatering of organic – rich soils, and collapse of subsurface cavities. Man – made activities such as withdrawing subsurface fluids through the pumping or groundwater may help induce subsidence by decreasing pore pressure. The area of greatest land subsidence in the region coincides with the area underlain by the Corcoran Clay, in western Madera County, particularly along the Eastside Bypass.

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[41] Moore Twinning Associates, Inc. *Geotechnical Engineering Investigation, Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank, Northeast of the Intersection of Road 26 and Honda Road, Madera County, California*, p6.

[42] City of Madera, *City of Madera General Plan Update Draft Environmental Impact Report, pp4.8-14 – 4.8-15.*

[43] Ibid, *p4.8-4.*

[44] Moore Twining Associates, Inc., *Geotechnical Engineering Investigation, Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank, Northeast of Intersection of Road 26 and Honda Road, Madera County, California*, p10.

[45] Ibid, pp7-10.

Areas of no risk are generally those areas which are identified as flatlands, valley bottoms and areas of minimal topographic relief. The project site consists of lands with less than three percent slope grade, and is therefore not subject to landslides.

Response to Checklist Questions:

a) **Less Than Significant with Mitigation Incorporated.** The potential for excessive total and differential static settlement of the tank foundation is a geotechnical concern. The increases in effective stress to underlying soils which could occur from the foundation loads, placement of fill, withdrawal of groundwater, etc. could cause vertical deformation of the soils, and therefore, result in damage to the overlying structure and improvements. Differential component of the settlement is often the most damaging.

The proposed tank site is considered suitable for the proposed construction with regard to support of the proposed water tank provided the recommendations contained in the *Geotechnical Engineering Investigation* prepared for this project are followed and the tank and foundation system can be designed to accommodate the anticipated settlement.[46] A copy of the *Geotechnical Engineering Investigation* is provided in Appendix C of this document.

The allowable bearing pressures of the soils that would be supporting the tank foundation were evaluated for shear and punching type failure of the soils resulting from the imposed tank foundation loads. Due to the relatively high structural foundation loads large foundation footprint, total static settlement of the 2.5 inches would be anticipated for shallow foundations supported on engineered fill if the foundation is prepared pursuant to the recommendations contained in the project's *Geotechnical Engineering Investigation.* Differential static settlement is estimated to be 1.25 inches from the center of the tank foundation to the outer edge of the tank foundation.[47]

Based on the *Geotechnical Engineering Investigation* findings, the potential for damage to connections between exterior piping connections and the tank due to differential settlement could be reduced by pre-loading the tank to induce some of the anticipated settlements. The tank connections to pipelines should be designed with flexible connections such that a minimum of approximately six inches of vertical movement could occur without causing damage (more than predicted settlements to allow for variances in the actual settlement). The flexible connections should be used at least for the first full year that the tank is full.[48]

In the event the estimated settlements are considered excessive for design, specialty methods of ground improvements, such as deep soil mixing or other methods, could be considered to reduce the estimated settlements. An alternative, in the event the anticipated static settlements are considered excessive for design of a shallow foundation, a deep foundation system consisting of cast-in-drilled hole (CIDH) piles could be considered.[49]

In addition to the *Geotechnical Engineering Investigation* findings and recommendations specified, the California Building Code (CBC) establishes minimum design and construction standards. Structures constructed on-site would be required by state regulations and county ordinances to be constructed in accordance with CBC, and to adhere to all current earthquake construction standards, including those relating to soil characteristics. Compliance with state regulations and county ordinances and with Mitigation Measure 5 would ensure that impacts to proposed structures, employees working at

[46] Ibid, p9.

[47] Ibid.

[48] Ibid.

[49] Ibid, p10.

the proposed water storage tank site, as well as staff, students, members and others present on the joint church / school grounds potentially exposed to catastrophic ground or tank structure failure would be reduced to a less than significant level.

b) **Less Than Significant Impact.** The project site is not within an Alquist-Priolo Earthquake Fault Zone. The closest active fault is the Great Valley Fault (Segment 9) located approximately 35 miles west of the project site. Accordingly, the potential for ground rupture at the project site is considered low.[50]

c) **Less Than Significant Impact.** If a seismic event occurs at a nearby fault, seismic induced settlement could affect the project improvements. The extent of damage would depend on duration and intensity of the earthquake. The project site, which is located within a Seismic Risk Zone 2, could potentially be subject to ground accelerations of 0.1 to 0.2 g. Potential ground shaking at the project site could expose people or improvements to potentially substantial adverse affects.

Project design and construction would be required to conform to state regulations and County ordinances and project improvements would be required to standards contained in CBC Title 24, which identifies specific design requirements to reduce damage from seismic ground shaking. Project compliance to CBC, and other state regulations and County ordinances would ensure that all seismically related hazards would be addressed and in the event of an earthquake, the damaged would be minimized. Therefore, potential hazards associated with seismic ground shaking would be less than significant.

d) **Less Than Significant Impact.** Liquefaction seismic settlement analyses were conducted based on soil properties revealed by project site test borings and the results of laboratory testings. A peak horizontal ground acceleration of 0.22g and a design earthquake magnitude of 6.7 were used for the analyses. An historic high groundwater depth of 44 below surface grade was also used for the analyses based on review of available groundwater data.

Due to the historic groundwater level, liquefaction would not be anticipated to occur. The results of the seismic settlement analysis indicate an estimated total seismic settlement of one-quarter (¼) inch occurring as a result of the design earthquake analyses. A differential seismic settlement of approximately one-eighth (⅛) inch in 40 feet would be anticipated and should be anticipated for in the design of the water storage tank structure.[51]

e) **No Impact.** Due to the relatively flat topography of the project site and greater area surrounding the project site, landslides are not considered a potentially significant geologic hazard. The project site overall has a less than two percent slope. Therefore, the project would have no impact.

f) **Less Than Significant Impact.** Due to the project's relatively flat topography, substantial soil erosion or the loss of topsoil are not anticipated. Furthermore, regulatory provisions addressing erosion and soils loss as relevant to water quality include, but not limited to, the NPDES program for management of construction and storm water runoff as part of the federal Clean Water Act and the State Porter-Cologne Water Quality Control Act are required of the project.

The NPDES program is implemented at the state and local level through issuance of permits and preparation of site-specific Storm Water Pollution Prevention Plans (SWPPP). The proposed project would be required to file a Notice of Intent (NOI) with the Central Valley Water Board and comply with the Construction General Permit for projects over an acre or for projects that are part of a larger common plan of development encompassing over one acre. NOI applicants are required

[50] Ibid.

[51] Ibid, pp10-11.

to develop a SWPPP specifying individual best management practices (BMPs) for effectiveness on erosion and sediment controls for improvements proposed at the project site. Implementation of soil erosion control measures as required, and adherence to all requirements set forth pursuant to the NPDES permit for construction activities would reduce soil erosion or loss of top soil to less than significant. As such, no additional mitigation measures are required.

g) **Less Than Significant Impact.** Secondary seismic related effects include lateral spreading, seismically induced landslides, or other ground failure. The potential for secondary seismic effects (e.g., lateral spreading, landslide) is considered minimal. Therefore, impacts related to seismic related ground failure is considered less than significant. Site grading, excavation, and construction would not be located on a geologic unit or soil considered unstable, or would become unstable as a result of implementing the project. Moreover, the proposed project would be required to be designed to meet all applicable CBC engineering requirements to ensure that proposed improvements would not be affected by geologic hazards. As such, potential seismic related impacts would be considered less than significant.

h) **No Impact.** The proposed project site is not subject to expansive soils. The results of the project site soils tested indicated that the near surface soils have a very low expansion potential – an expansion index value of 0.[52] Therefore, the proposed project would have no associated impacts resulting from expansive soils.

i) **No Impact.** The project does not include implementing a septic tank or an alternative wastewater disposal system. Therefore, soil suitability for septic tanks or alternative wastewater disposal systems is not applicable to this project and would have no associated impacts.

Mitigation Measures:

5. Project design, structural plans and specifications, and site improvement plans shall incorporate and comply with recommendations specified by the March 20, 2014 *Geotechnical Engineering Investigation for the Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank, Northeast of the Intersection of Road 26 and Honda Road, Madera County, California (Project Number E95401.01).*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
GREENHOUSE GAS EMISSIONS				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☑	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☑	☐

[52] Ibid, p9.

Environmental Setting:

California Global Warming Act Solutions Act of 2006 (Assembly Bill (AB) 32) limits statewide greenhouse gas (GHG) emissions to 1990 levels and establishes a goal of achieving these emissions reductions by 2020. Since the passage of AB 32, California has passed additional legislation and a number of State agencies have prepared plans adopted rules to implement AB 32.

In August 2008, SJVAPCD adopted a climate change action plan to provide guidance in assessing and reducing the impacts of project-specific GHG emissions on global climate change consistent with AB 32. In December 2009, SJVAPCD adopted a guidance document to assist lead agencies and others in addressing GHG emission impacts for new projects. The guidance document rely on the use of performance based standards, otherwise known as "Best Performance Standards" or BPS to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA. Emission reductions achieved through implementation of BPS would be pre-quantified, thus negate the need for project specific quantification of GHG emissions. Projects implementing BPS in accordance with this guidance would be determined to have a less than significant individual and cumulative impact on global climate change and would not require specific quantification of GHG emissions. Otherwise, demonstration of a 29 percent reduction in GHG emissions from business as usual is required to determine that a project would have a less than cumulatively significant impact.[53]

GHG emissions include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Carbon dioxide (CO_2) is a naturally occurring gas and also a byproduct of burning of fossil fuels, land use changes and some industrial processes. Methane is produced through anaerobic decomposition of organic materials in an environment without oxygen, petroleum industry, coal production and incomplete fossil fuel combustion. Major sources of nitrous oxide (N_2O) include agricultural practices, especially the use of commercial and organic fertilizers, fossil fuel combustion, nitric acid production and biomass burning. Various fluorinated compounds have been commercially introduced as alternatives to ozone-depleting substances (commonly refrigerants). These compounds are emitted as byproducts of industrial processes and are also released in manufacturing.

CEQA Guidelines Section 15064.4 stipulates that a lead agency has discretion to determine which type of analysis approach to utilize for a given project level GHG analysis, including whether to:

> "(1) Use a model or methodology to quantify GHG emissions resulting from a project and indicate which model or methodology is used. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and / or
>
> "(2) Relay on a qualitative analysis or performance based standards."

SJVAPCD has not provided guidance for construction phase GHG emissions thresholds or reductions nor has Madera County adopted a climate action plan for the purpose of locally implementing actions needed to attain AB 32 reduction goals. As such, AB 32 remains the applicable GHG reduction plan for the proposed project.

Response to Checklist Questions:

a) **Less Than Significant Impact.** GHG sources resulting from project construction activities are typically generated from transportation of materials to the project site and petrol based equipment

[53] San Joaquin Valley Air Pollution Control District, *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects Under CEQA*, pp3-4.

used during construction of the project itself. Stationary sources emit GHG from single point sources such as exhaust fumes.

GHG emissions were calculated using the CalEEMod model. Estimated project related GHG are presented in Table 3 below. Emission estimates for construction activities include the use of construction equipment, construction worker commute trips, and haul trips for construction materials. Emissions estimates for operational activities take into account the use of power, chemicals, and solids handling and hauling. For the purpose of this environmental analysis, it is assumed project construction would commence in 2015 and would be completed by end 2016.

Table 3 Estimated Project Greenhouse Gas Emissions

Emission Source	Emissions (Metric Tons CO_2E / Year)
Construction	
2015 Total Construction Emissions	302.99
2016 Total Construction Emissions	300.80
Total Construction GHG Emissions	603.79
Operations	
Energy Emissions	17.17
Mobile Emissions	160.73
SJVAPCD Threshold of Significance	None

Notes: Total number of annual construction days = 250 days. Greenhouse emissions measured in Tons \ Year.
Emission estimates represent maximum unmitigated conditions.

Data Source: CalEEMod, version 2013.2

GHG from construction includes emissions from equipment and vehicles used for site preparation, excavation, grading, construction and pouring of concrete pads and mobile emissions (e.g., emissions from combustion of fossil fuels for vehicular trips to and from the project site). GHG from construction activities presented in Table 3 indicates construction activities would generate a maximum of 603.79 tons of CO_2E over the 10 to 12 month construction period. Once construction activities have ceased, for all general purposes, so will the CO_2 emissions. Given the relatively small amount of GHG emissions that would be emitted from the proposed project during construction, the project would not conflict with the state's goals under AB 32 for reducing GHG emissions to 1990 levels by 2020 relative to construction emissions, such that the project's GHG emissions would result in substantial contribution to global climate change. Therefore, the potential impact would be less than significant.

Project related GHG emissions would also continue to be generated during the maintenance and operations of the water storage tank. Maintenance and operational or long-term GHG emissions that would likely be emitted include carbon dioxide from the exhaust of equipment, exhaust of MVWC vehicles as well as from any delivery or haul trip to and from the project site that be required. The long-term project operations would also emit nitrous oxide and other volatile organic compounds, which are ozone precursors – ozone is a GHG.

b) **Less Than Significant Impact.** Neither the SJVAPCD nor Madera County has adopted a GHG reduction plan(s). The California Air Resources Board's adopted Scoping Plan goals for reducing

GHG emissions generated in year 2020 to be equal to or less than California's statewide emissions in 1990. No specific date has been identified for construction by MVWC. For the purpose of this environmental analysis, it is assumed project construction would begin year 2015 and would be completed by the close of the second quarter of the following year (Year 2016). Therefore, project construction emissions would not hinder or delay CARB's ability in achieving its GHG reduction targets.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☑	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☑	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☑	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☑	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☑	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☑	☐

Environmental Setting:

Materials and waste may be considered hazardous if it appears on a list of hazardous materials prepared by a federal, state or local agency, or if it has characteristics defined as hazardous by a federal, state or local agency. Hazardous waste is defined by the California Environmental Protection Agency, Department of Toxic Substance Control (DTSC) as a waste with properties that make it potentially dangerous or harmful to human health or the environment. Specifically, hazardous waste includes waste listed on one of the four Resource Conservation and Recovery Act of 1976 (RCRA) hazardous waste lists – the F-list (non-specific source wastes), K-list (source-specific wastes), P-list and U-list (discarded commercial waste products) – or that exhibits one of the four characteristics of a hazardous waste (i.e., ignitability, corrosively, reactivity or toxicity). Certain wastes known to contain mercury are also considered hazardous wastes. Common materials that are considered hazardous include, but not limited to, fuels, motor oil, grease, various lubricants and solvents.

RCRA gives USEPA the authority to control hazardous waste from the "cradle to grave." This includes the generation, transportation, treatment, storage and disposal of hazardous materials. The USEPA has granted the State of California primary oversight responsibilities for administering and enforcing hazardous material and waste management programs. Transportation of hazardous materials on area roadways is regulated by the California Highway Patrol and California Department of Transportation. State regulations require planning and management of hazardous materials and wastes to ensure hazardous materials and wastes are handled, stored and disposed of properly to reduce risks to humans and to the environment.

In review of available DTSC data base reports and mapping, the proposed project site is not located on a site with known hazardous materials. There are no known sites within one mile of the proposed project listed as a potential contaminant source of groundwater or soils concern, clean-up site, permitted site or identified as a leaking underground fuel tank (LUFT) or spills, leaks, investigation and cleanup (SLIC) site.[54]

The FAA is the authority for regulating and overseeing all aspects of American civil aviation. Title 14, Chapter 1, Subchapter E, Part 77 of the Code of Federal Regulations establishes requirements to provide notice to FAA of certain proposed construction or the alteration of existing structures and sets standards used to determine obstructions to air navigation, and navigational and communication facilities. Projects that exceed an imaginary surface extending outward and upward of 100 to 1 for a horizontal distance of 20,000 feet from the nearest airport runway must file a notice (Notice of Proposed Construction or Alteration) with the FAA.[55]

[54] State of California, Environmental Protection Agency, Department of Toxic Substance Control, *EnviroStor.*

[55] United States, *Code of Federal Regulations, Title 14, Chapter 1, Subsection E, Part 77.*

Two publicly – owned, general aviation municipal airports are located in Madera County. The two airports are Chowchilla Municipal Airport and Madera Municipal Airport.[56] The nearest publicly – owned airport is the Madera Municipal Airport. The Madera Municipal Airport is approximately 2.4 miles (12,672 feet) southwest of the project site.[57]

In addition to public use municipal airports, there are 32 privately-owned airfields located within Madera County. [58] Privately owned airstrips generally serve as access to large or remote ranches and / or are used for agricultural related crop dusting activities. The nearest active private airstrip, Sallaberry Ranch Strip, is located approximately five miles northwest of the project site.[59]

The project area is served by the Madera County Fire Department. The Madera County Fire Department contracts with the California Department of Forestry and Fire Protection (CAL-FIRE) and operates six stations for County responses in addition to the state-funded CAL-FIRE stations for state responsibility areas.[60] Neither the project site nor its surroundings are within a designated State Responsibility Area (SRA) or are in an area characterized by high, very high or extreme risk of wildland fires.[61]

Response to Checklist Questions:

a) **Less Than Significant Impact.** During construction, some limited quantities of hazardous materials (i.e., fuels, oils, hydraulic fluids, adhesives) would be used on the project site. However, MVWC would be required to implement BMPs to prevent any of these hazardous materials from being released to the public or environment through routine transport, use and disposal. These BMPs employed at the project site during construction would minimize the potential for accidental spills and provide measures to contain them if they do occur. Additionally, the implementation of BMPs identified in the SWPPP would contain similar measures to prevent any accidental spills of hazardous materials from construction equipment. Therefore, the potential impact from construction activities is considered less than significant.

Hazardous materials would likely be used, stored and transported to the project site in compliance with hazardous materials regulations to support long-term operations. Such materials would include herbicides for vegetation control, sodium-hypochlorite (bleach), lubricating oils, and commercial and household type maintenance products such as cleaning agents and degreasers, paints and pesticides.

Routine transport, storage, use and disposal of chemicals required for MVWC water storage tank operations would be subject to MVWC's hazardous materials plan. Small quantities of chemicals transported, stored and used on on-site would not be expected to result in an increased risk of upset at or around the project site and compliance with hazardous material regulations and requirements would reduce the project's potential to create a significant hazard to the public or environment. Therefore, the potential to create a significant hazard to the public from exposure to hazardous materials would be considered less than significant.

b) **Less Than Significant Impact.** Small amounts of hazardous materials (e.g., diesel fuel, oil, gasoline, solvents) would be used during project construction. While these are commonly used materials, if handled improperly, they could endanger workers and employees. Compliance with

[56] County of Madera, *Madera County General Plan Background Report*, p3-17.

[57] Google Earth, Imagery Date April 5, 2014.

[58] County of Madera, *Madera County General Plan Background Report*, p3-17.

[59] Google Earth, Imagery Date April 5, 2014.

[60] CityGate Associates, LLC, *Fire Department Planning Study for Madera County, CA, Volume 1 of 2 – Main Report*, p15.

[61] State of California, The Natural Resources Agency, Department of Forestry and Fire Protection, *Fire Threat Map.*

federal, state and local hazardous materials laws and regulations would minimize the risk to the public presented by these potential hazards. Implementation of these standard measures as part of the project would reduce potential impacts to less than significant. As such, no additional mitigation measures are required.

Long-term operation of the proposed water storage tank would involve the transport, storage, use and disposal of nominal hazardous materials. There are a number federal, state and local requirements and regulations that are designed to minimize risks from accidental releases of hazardous materials and the project would be required to be in compliance with all applicable requirements and regulations. Since the proposed project would be required to implement and comply with existing hazardous materials regulations, there are no reasonably foreseeable upset and accident conditions that would create a significant hazard to the public due to the release of hazardous materials. Project impacts are considered less than significant.

c) **Less Than Significant Impact.** One school is located within one-quarter (¼) mile of the proposed project. Crossroads Christian School, a private K through 12th grade school, is located west and adjacent to the proposed water storage tank site and adjacent the existing and proposed the access road leading to the water storage tank site. The access road would extend north from the school parking area and travel along the west and north (rear) sides of the classroom buildings and exit the school grounds to the east (refer to Figure 4). The access road would pass within 43 feet of the classrooms. The access road would serve as the designated haul route for deliveries, including deliveries and removal of hazardous materials for the construction or operations of the proposed water storage tank facility.

As noted above, small amounts of hazardous materials would be used during project construction. Delivery, storage and use of hazardous materials would be required to comply with applicable local, state and federal regulations and standards associated with the handling, storage and use of hazardous materials. Compliance with applicable local, state and federal regulations and standards, impacts associated with the delivery, storage and use of hazardous materials would be less than significant.

d) **No Impact.** The project site is not included on a list of hazardous material sites complied pursuant to Government Code Section 65962.5.[62] Therefore the proposed project would have no impact on the public or environment.

e) **Less Than Significant Impact.** The nearest public use airport, Madera Municipal Airport, is approximately 2.4 miles (12,672 feet) southwest of the project site. [63] The project site is not located within the adopted Madera Municipal Airport land use compatibility plan.[64]

The height of the proposed elevated water storage structure would be 155 feet. Given the height and location of the proposed project improvements, MVWC would be required to file a notice with the FAA (Notice of Proposed Construction or Alternation) under Section 77.9 of Title 14, Chapter 1, Subchapter E, Part 77 of the United States Code of Federal Regulations administered by the FAA.

The FAA is responsible for reviewing and determining the effects of the proposed project would have on the safety in air commerce and the efficient use and preservation of the navigable airspace and make a determination whether the proposed project would be a hazard to air navigation. The

[62] State of California, Environmental Protection Agency, Department of Toxic Substance Control, *EnviroStor.*

[63] Google Earth, Imagery Date April 5, 2014.

[64] County of Madera, *Airport Land Use Compatibility Plan, Madera County Airports*, Figures 3B.

FAA would also make a determination as to what, if any, appropriate marking and lighting recommendations would be required of the proposed elevated water storage tank. Compliance with applicable FAA regulations and standards, potential aviation impacts associated with the location and height of the proposed elevated water storage tank would be less than significant.

f) **Less Than Significant Impact.** The nearest private airstrip, Sallaberry Ranch Strip, is located approximately five miles northwest of the project site.[65] This private airstrip is located north of Avenue 21, between Road 22 and Road 22½. Based on available aerial images taken in 2014, this airstrip appears to be either abandon or sparsely used.[66] Therefore, the project would not likely present a safety hazard to aircraft that may use the Sallaberry Ranch Strip or to individuals working within the project site.

g) **No Impact.** The proposed project would not result in any physical features that would impair implementation of, or physically interfere with, emergency evacuations. No construction is proposed or would be required within public rights-of-way. During construction, construction equipment and materials would be staged on the project site, and therefore would not impede emergency response vehicles.

h) **Less Than Significant Impact.** Land uses in the project area consist primarily of agricultural and urban uses. Adjacent agricultural fields are planted in fodder and almond trees minimizing the project site's risk exposure to a wildland fire. Neither the project site nor its surroundings are within a designated State Responsibility Area or are in an area characterized by high, very high or extreme risk of wildland fires.[67] Therefore, exposure of people or structures to wildland fires is not considered significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☑	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☑

[65] Google Earth, Imagery Date April 5, 2014.

[66] Ibid.

[67] State of California, The Natural Resources Agency, Department of Forestry and Fire Protection, *Fire Threat Map.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☑	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☑	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☑	☐
f) Otherwise substantially degrade water quality?	☐	☐	☑	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☑	☐	☐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☑	☐	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

Environmental Setting:

The project area climate is Mediterranean with dry, warm summers and cool, wet winters. Fog usually occurs in the winter morning hours and may continue for several days if atmospheric conditions are stagnant. Average annual precipitation in the project area ranges from 4.7 to 20.7 inches. The majority of precipitation occurs from November through April. Precipitation is virtually all rainfall. [68]

Surface Water Resources

The project site is within the San Joaquin River Hydrologic Region. The San Joaquin River Hydrologic Region is a 15,200 square mile (9.7 million acres) watershed that drains the part of the San Joaquin Valley north of Fresno. The region, which includes all of Calaveras, Tuolumne, Madera, Mariposa, San Joaquin, and Stanislaus Counties, the majority of Amador and Merced Counties, and parts of Alameda, Alpine,

[68] City of Madera, *City of Madera General Plan Update, Draft Environmental Impact Report*, p4.9-1.

Contra Costa, El Dorado, Sacramento and San Benito Counties, corresponds to a portion near the middle of the Central Valley Water Board jurisdiction.[69] Locally, the project site lies within the San Joaquin River watershed (105 6545 San Joaquin Valley Floor).[70]

The project site is devoid of surface water courses or bodies of water. The nearest water course in the project area is Schmidt Creek and an unnamed tributary to Schmidt Creek. Schmidt Creek, an intermittent creek, flows in a westerly direction and sheet flows through agricultural fields and into irrigation canals interconnected with Dry Creek, west of State Route 99. Dry Creek flows into the Fresno River which ultimately drains into the San Joaquin River.

Schmidt Creek is approximately 60 feet northwest and 100 feet north of the project site. Within the vicinity of the project site, flows in Schmidt Creek are unregulated and influenced by precipitation, soil saturation and local drainage patterns. Schmidt Creek and its tributaries may be considered Waters of the United States and a tributary to the San Joaquin River.

The *Water Quality Control Plan for the California Regional Water Quality Control Board Central Valley Region* (Basin Plan) specifies the beneficial uses of the major creeks and their tributary streams within the San Joaquin River Basin. The beneficial uses of any specifically identified water body generally apply to its tributary streams. In some cases a beneficial use may not be applicable to the entire body of water, and in some cases, the Central Valley Water Board's judgment applies. For unidentified water bodies, the beneficial uses would be evaluated on a "case-by-case basis."[71]

The Basin Plan does not specifically identify beneficial uses of Schmidt Creek or of Dry Creek. However, the Basin Plan does identify existing and potential beneficial uses for the Fresno River from Hidden Reservoir to the San Joaquin River to which Schmidt Creek and Dry Creek are tributaries to. Water bodies within the San Joaquin River Basin that do not have beneficial uses designated in the Basin Plan are assigned Municipal and Domestic Supply (MUN) in accordance with the provisions of State Water Board Resolution No 88-63. The MUN designation in way affects the presence or absence of other beneficial uses designations in the water bodies.[72]

The existing beneficial uses of the Fresno River from Hidden Reservoir to the San Joaquin River are as follows: agriculture irrigation and stock watering (AGR); water contact recreation (REC-1), water contact recreation (REC-2); warm freshwater habitat (WARM); and wildlife habitat (WILD). Potential beneficial uses of the Fresno River from Hidden Reservoir to the San Joaquin River are MUN and REC-1 recreation canoeing and rafting.[73]

Surface Water Quality

Section 303(d) of the Federal Water Pollution Control Act (also referred to as the Federal Clean Water Act (CWA)) requires each state to identify water bodies or segments of water bodies that are "impaired" (i.e., do not meet one or more of the water quality standards established by the state). These waters are identified in Section 303(d) list as waters that are polluted and need further attention to support their beneficial uses. Once the water body or segment is listed, the state is required to establish "total maximum

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[69] State of California, The Resources Agency, Department of Water Resources, *Bulletin 118, California's Groundwater Update 2003*, p169.

[70] State of California, The Resources Agency, Department of Water Resources, *CALFED California Watersheds Map.*

[71] State of California, Regional Water Quality Control Board, Central Valley Region, *Water Quality Control Plan for the Sacramento and San Joaquin River Basins, Fourth Edition*, pII-2.00.

[72] Ibid, pII-2.01.

[73] Ibid, ppII-5.00 - 8.00.

daily load" or TMDL for the pollutant. A TMDL is the maximum amount of a pollutant that a water body can receive and still meet the water quality standards.

Schmidt Creek, Dry Creek, and the Fresno River are not listed as an impaired water body. The San Joaquin River upstream of the confluence of the Fresno River, as well as downstream of the confluence with the Fresno River is listed as an impaired water body. San Joaquin River upstream of the confluence of the Fresno River is impaired by: Exotic Species; Dichlorodiphenyltrichloroethane (DDT); Group A Pesticides; Mercury; and Unknown Toxicity. Downstream of the confluence with the Fresno River to the Delta Boundary, the San Joaquin River is impaired by: Boron; DDT; Electrical Conductivity; Group A Pesticides; Mercury; Selenium; Toxphene; and Unknown Toxicity. [74] The San Joaquin River impairments are relevant since Schmidt Creek is a tributary to the San Joaquin River upstream of the confluence of the Fresno River.

Floodplain

The National Flood Insurance Act of 1968 adopted a desired level of protection that protect development from floodwater damage associated with an intermediate regional flood (IRF), a flood which is defined as flood having an average frequency of occurrence on the order of once in 100 years, although such a flood may occur in any given year. Under Executive Order 11988 Floodplain Management of 1977, as amended, the Federal Emergency Management Agency (FEMA) is responsible for the management and mapping of areas subject to flooding during a 100-year flood event and delineating flood hazard zones. FEMA requires that local governments covered by federal flood insurance pass and enforce a floodplain management ordinance that specifies minimum requirements for any construction within the 100-year floodplain.

Executive Order 11988 requires federal agencies to avoid direct and indirect support of actions, to the extent practical, which will result in the location of development in floodplains and / or affect floodplain values. If new construction of structures or facilities are to be located in a floodplain, accepted flood proofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, whenever practicable, elevate structures above the base flood level rather than filling in land. The federal floodplain management guidelines further require federal agencies to apply the 0.2 percent or 500 year flood occurrence standard to the location of "critical facilities." Critical facilities include, but are not limited to, public and community water facilities.[75]

Madera County is a participant in the National Flood Insurance Program (NFIP), a federal program administered by FEMA. FEMA is responsible for identifying and delineating flood hazard zones. FEMA identifies flood hazard zones (areas subject to flooding) through Flood Insurance Rate Maps (FIRMs).

According to FIRM Panel 06039C0915E, a portion of the project site and surrounding area are subject to flooding. Based on the project area FIRM panel, portions of the project site and its surroundings is designated Zone AE – an area determined to be subject to inundation by a 100-year flood. The base flood elevation for Zone AE at the proposed water storage tank site is 279 feet above mean sea level (msl). Areas outside the flood hazard area (Zone AE) are designated Zone X – areas determined to be outside the 0.2 percent annual chance floodplain.[76]

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[74] State of California, Environmental Protection Agency, State Water Resources Control Board, *2006 CWA Section 303(d) List of Water Quality Limited Segments Requiring TMDLS, Central Valley Regional Water Quality Control Board, USEPA Approval Date: June 28, 2007.*

[75] United States, *Code of Federal Regulations Title 44, Part 9.*

[76] United States Department of Homeland Security, Federal Emergency Management Agency, *Flood Insurance Rate Map, Madera County, California, 06039C0915E.*

Policy 6.B.4 of the Madera County General Plan requires all development with areas subject o 100-year floods to be designed and constructed in manner that will not cause floodwaters to be diverted onto adjacent property or increase flood hazards to other areas.[77]

The proposed water storage tank site was graded and raised in August 2012. At the time, approximately a foot of soil was removed from the site and up to two feet of fill soils was placed in the northern portion of the proposed water storage tank site.[78] As result of the grading activity in August 2012, the surface grade elevation of the tank site was raised and is now 281 feet above msl.[79]

According to MVWC's engineer, Giersch & Associates, the surface grade on which the Grace Community Church and Crossroads Christian School facilities are present was also raised at the time the facilities were constructed. Based on "spot check" elevation measures performed by Giersch & Associates, the surface grades at the fence gate on located on the north side of the school buildings and at the southeast core of the outdoor basketball court are both 281 feet above msl.[80] The area between the combined church and school facilities and the proposed water storage tank site is approximately two feet lower than the water tank site or approximately 279 feet above msl.

FEMA has no record of a "Letter of Map Amendment (LOMA) Determination Document (Removal)" or a "Letter of Map Change" (LOMC) for the project parcels surface grade modifications, or of properties and / or structures removed from, the designated floodplain.[81]

There are three major dams that could potentially inundate portions of Madera County if they were to fail; Hidden Dam on the Fresno River, Buchanan Dam on the Chowchilla River, and the Friant Dam on the San Joaquin River.[82] The proposed site is not within a delineated dam inundation area resulting from a dam failure of any of the three major dams.[83]

Groundwater Resources

The project site overlies western portion of the Madera Groundwater Subbasin (Basin 5-22.06) of the San Joaquin River Groundwater Basin. The San Joaquin River Groundwater Basin covers the central San Joaquin Valley. Groundwater subbasins are delineated by geologic and hydrologic barriers, as well as institutional boundaries. Subbasin distinctions are made by DWR to more easily facilitate water resources management, data analysis and basin adjudications.

On a regional scale, groundwater flow is generally towards the trough of the Central Valley, roughly defined by the San Joaquin River in Madera County. Accordingly, flow is west from the Sierras towards the San Joaquin River and east from the Diablo Range towards the San Joaquin River. Regional water level elevation maps published by the San Joaquin District of the DWR indicate that the direction of groundwater flow near the project site has generally been towards the southwest.

Madera Subbasin, which consists of lands overlying the alluvium in Madera County, covers a surface area approximately 614 square miles, is bound on the south by the San Joaquin River, on the west by the eastern

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[77] County of Madera, *Madera County General Plan Policy Document, Health and Safety*, p69.

[78] Moore Twining Associates, Inc., *Geotechnical Engineering Investigation, Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank Northwest of the Intersection of Road 26 and Honda Road, Madera County, California (Project Number E950401.01)*, pp3-4.

[79] Giersch & Associates, *Madera Valley Water Company Overhead Water Tank Project Elevations*, p1.

[80] Ibid.

[81] United States Department of Homeland Security, Federal Emergency Management Agency, Flood Map Service Center.

[82] City of Madera, *City of Madera General Plan Update, Draft Environmental Impact Report*, p4.9-5.

[83] Ibid, Fig. 4.9-3.

boundary of the Columbia Canal Service area, on the north by the south boundary of the Chowchilla Subbasin, and on the east by the crystalline bedrock of the Sierra Nevada foothills.

Dependent upon seasonal precipitation, irrigation, land use, and climate conditions as well as other factures, groundwater table elevations fluctuate with time. While groundwater was not encountered in the test borings drilled at the proposed water storage tank site on January 27, 2014 to the maximum depth explored (91.5 feet below ground surface (bgs)), the sandy silt and clay layers encountered between depths of approximately 33 and 65 feet bgs included elevated moisture contents, with one sample described as very moist. Although no free water was encountered in the test borings, the very moist soils may indicate a perched groundwater condition.[84]

Based on review of DWR's available well database, measurements from a water well located within one-half (½) mile west of the project site (well 15S19E28E001M), indicated a consistent decline in groundwater levels over time, with depths increasing from 44 to 80 feet bgs between 1948 and 1960. Data for a well located approximately one mile northwest of the project site indicates a consistent decline in groundwater levels with depths increasing from 74 to 267 feet bgs between the years 1968 and 2011. The well database also indicates that a well located approximately one mile to the east had a depth to groundwater of 270 feet bgs in 2012.[85]

Groundwater Quality

Groundwater quality within the Valley portion of the Region is generally good for both domestic supply and agricultural use. However, variations in groundwater quality mean some groundwater within the Region is unacceptable for domestic and even agricultural uses without treatment. Groundwater contamination can be a result of naturally occurring, point source contamination, and/or regional contamination. Some common elements of concern include dissolved salts (as measured by the specific conductance or Electric Conductivity [EC]), boron, manganese, arsenic, iron, hexavalent chromium, bacteria, uranium, and methane. In many cases, these are naturally occurring, but contamination could also be related to regional or point sources. Typical sources of anthropogenic contamination originate from gas stations, dry cleaners, high-density animal enclosures, applied fertilizers, leaky sewer lines, wastewater treatment plants, and septic systems.[86]

The designated beneficial uses of the underlying project area groundwater are MUN, AGR, industrial service supply (IND) and industrial process supply (PRO).[87] Groundwater designated for municipal use shall not contain concentrations in excess of the maximum contaminant levels (MCLs) specified in Title 22 Drinking Water Regulations.

Stormwater

No stormwater collection, conveyance or disposal facilities exist on the project site. Stormwater runoff resulting from existing impervious conditions within the proposed project site is absorbed into the ground or sheet flows off-site and ultimately into Schmidt Creek.

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[84] Moore Twining Associates, Inc., *Geotechnical Engineering Investigation, Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank Northeast of the Intersection of Road 26 and Honda Road, Madera County, California (Project Number: E95401.01)*, pp7-8.

[85] Ibid, p8.

[86] County of Madera, Regional Water Management Plan 2014.

[87] State of California, Regional Water Quality Control Board, Central Valley Region, *The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board Central Valley Region, Fourth Edition, The Sacramento River Basin and The San Joaquin River Basin*, ppII-2.01 – II-3.00.

Response to Checklist Questions:

a) **Less Than Significant Impact.** Project related construction activities involving excavation, grading, earth moving, fill placement, stockpiling would expose site soils to erosion and mobilize sediments in storm water. Additionally, hazardous materials such as fuels, oils, grease and lubricants from construction equipment could be accidently released during construction. Accidental discharge of these materials could adversely affect water quality and / or result in violation of water quality standards. Construction projects that disturb one acre land or more are required to obtain coverage under the NPDES General Permit for Construction Activities. Construction of the proposed project would disturb more than one acre of soil. Therefore, the project is required to obtain and comply with the NPDES General Permit for Construction Activities.

MVWC would be required to prepare and submit a SWPPP and NOI in compliance with the State Water Resources Control Board (State Water Board) to obtain coverage under the State Water Board NPDES General Permit for Construction Activities prior to any earthwork or construction activity. The SWPPP would specify BMPs to prevent construction pollutants by controlling erosion and sedimentation, as well as spill prevention measures to avoid, and if necessary, clean-up accidental release of hazardous material. The Plan would be required to detail the BMPs that would be implemented to prevent the discard of stormwater pollutants. MVWC would be required to comply with the requirements of the General Permit for Construction Activities.

Consistent with the General Permit for Construction Activities, standard BMPs and conditions required to be implemented to prevent stormwater pollution and minimize sedimentation during construction include, but are not limited to the following:

- ❑ Utilize on-site sediment control BMPs to retain sediment on the project site;
- ❑ Utilize stabilized construction entrances and / or wash racks;
- ❑ Implement damp street sweeping;
- ❑ Provide temporary cover of disturbed surfaces to control erosion; and
- ❑ Provide permanent cover to stabilize the disturbed surfaces after construction is complete.

Project activities nearest to Schmidt Creek include extending the existing gravel based access road from its existing terminus on the west of the Crossroads Christian School classroom buildings to the existing unimproved access road leading to the MVWC parcel The existing crossing of the unimproved access road through Schmidt Creek would be abandoned in place (refer to Figure 4). No project improvements or construction activity within Schmidt Creek would be required. Runoff from the project construction area would be controlled by standard BMPs to prevent and reduce water quality impacts to Schmidt Creek. Soil and other potential water pollutants would be contained in the construction area to prevent the discharge of pollutants into Schmidt Creek.

If shallow groundwater is encountered during the excavation for, and / or installation of, the proposed water storage tank structure foundation or the water pressure reduction station vault or hardware, or during any other project activity, a dewatering permit would required in compliance with Section 402 of the Clean Water Act. MVWC and its project contractor would responsible to comply with the terms of the dewatering permit should a dewatering permit be required.

Following construction, stormwater runoff from the water storage tank site would either be absorbed into the soil or conveyed through a pipe to the shallow shale (topographic depression) between the tank site and the joint church / school facilities (refer to Figure 4). If necessary, a waste discharge requirements permit for discharges to land would be obtained in compliance with Section 402 of the Clean Water Act and MVWC would comply with the terms of the permit. Overflow, as

well as any "blow down" water from the storage tank in the event of an emergency, requiring a complete evacuation of the storage tank, would be conveyed to the shallow swale.

Overflow from the swale as result of an emergency evacuation of the tank or malfunction of the tank's overflow controls would sheet flow over the access road and into Schmidt Creek. This flow would not be expected to exceed the capacity of Schmidt Creek or adversely affect water quality. Water pumped into and stored in the tank would not be subject to chlorination or other chemical treatment.

With the SWPPP in place and adherence to the BMPs specified in the Plan and the conditions of the General Permit for Construction Activities, as well as compliance with any other permits pertaining to water quality would ensure potential project impacts related to degradation of water quality during construction and subsequent operations of the water storage tank facility would be less than significant. No additional mitigation measures would be required.

b) **No Impact.** The proposed project would not increase the use of groundwater supplies as a water source. The purpose of the project is store water for peak hour and fire flow demands. Additionally, the storage tank would provide a source of water in the event of a well, a pump, or generator failure, or brown out, and would provide additional time for system troubleshooting and repairs without the need for emergency actions. No additional pumping of groundwater would occur as result of proposed project. Therefore, no impact would result from implementing the proposed project.

c - f) **Less Than Significant Impact.** No water courses (e.g., river, creek, stream) would be altered as part of the proposed project. While the project would result in a minor increase of impermeable surfaces, the project would not significantly alter the drainage patterns of the project site or surrounding area.

The proposed construction of the water tank would increase the amount of impervious surface by approximately 3,600± square feet. An increase of 3,600± square feet of impervious surface would not substantial increase surface runoff within the project site.

As discussed above, construction of the proposed project would have the potential to expose site soils to erosion and mobilize sediments in storm water. However, with the SWPPP in place, on- and off-site erosion and siltation impacts related to construction at the project site would be less than significant.

Furthermore, the MVWC would be required to implement applicable design, control and engineered treatment measures in compliance with NPDES permit standards. Compliance with NPDES permit standards and implementation of applicable design, control and engineered treatment measures would ensure the project would not result in significant flooding, erosion or siltation impacts post-construction.

Other than the construction and operation-related water quality impacts discussed above, there would be no substantial increase or additional sources of polluted-run-off; therefore, potential impacts of the proposed project, with respect to additional polluted runoff, are considered less than significant.

g) **No Impact.** The project does not include the construction of housing. Therefore, no impact would result from implementing the proposed project.

h, i) **Less Than Significant with Mitigation Incorporated.** The project would construct improvements and place structures within a designated flood hazard area (Zone AE) of Schmidt Creek. Based on the project area FIRM panel, portions of the project site and its surroundings is designated Zone AE – an area determined to be subject to inundation by a 100-year flood. The base flood elevation for Zone AE at the proposed water storage tank site is 279 feet above mean sea

level (msl). Areas outside the flood hazard area (Zone AE) are designated Zone X – areas determined to be outside the 0.2 percent annual chance floodplain.

Based on available FEMA floodplain maps and records, a portion of the proposed water storage tank site, the site proposed for the water pressure reducing station, the area proposed for the access road extension, realignment and improvements, as well as the area proposed for the drainage swale improvements are all located within FEMA's designated Zone AE flood hazard area of Schmidt Creek.[88]

The proposed 0.62 acre water storage tank site was graded and raised in August 2012. According to MVWC's engineer, Giersch & Associates, the water storage tank site was graded and raised to a surface elevation of 281 feet above msl.[89] The August 2012 site grading improvements would appear to risen the proposed 0.62 acre water storage tank site above FEMA's designated Zone AE flood hazard elevation of Schmidt Creek applicable to the water storage tank site. However, FEMA has no record of a fill activity request within a designated flood hazard area or LOMR to document the site's elevation change. [90]

The proposed water pressure reducing station would also be placed within FEMA's designated Zone AE flood hazard area of Schmidt Creek. The proposed station, comprised of a vault, pipe and valves, would be installed below grade. The station would require excavation and trench work. No improvements plan depicting the proposed installation of the proposed water pressure reducing station was available at the time this Initial Study was prepared. According to the MVWC engineer, the trenches used for installation of the station would be backfilled and re-contoured to the original contours. The station would be subject to 100-year flood events.

The proposed access road realignment and extension from the joint school / church parking area shown in Figure 4, as well as the improvements to the existing access road paralleling the northern boundaries of the joint school / church and MVWC parcels would occur within FEMA's designated Zone AE flood hazard area of Schmidt Creek. Based on USGS topographic map contours, the surface elevation of the area subject to access road realignment, extension and improvements ranges between 275 and 285 feet above msl.[91]

No grading or improvements plans depicting the proposed access road realignment, extension or improvements were available at the time this Initial Study was prepared. According to MVWC's engineer, the access road realignment, extension and improvements would not include grading. An overlay and compaction of 1 to 3 inches of road base gravel would be applied to the existing grade of the proposed access road realignment and extension, and between the extension and MVWC's parcel. The application of road base to the access road would minimally raise the existing surface grade. As such, the realigned and improved access road could be subject to 100-year flood events.

The proposed installation of a 12-inch diameter overflow / tank discharge pipe and 36-inch concrete standpipe in the existing shallow swale shown in Figure 4 would also occur within FEMA's designated Zone AE flood hazard area of Schmidt Creek. The swale would not be re-contoured, excavated (other than for the installation of the pipe and standpipe) or enlarged.

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[88] United States Department of Homeland Security, Federal Emergency Management Agency, *Flood Insurance Rate Map, Madera County, California, 06039C0915E.*

[89] Giersch & Associates, *Madera Valley Water Company Overhead Water Tank Project Elevations*, p1.

[90] United States Department of Homeland Security, Federal Emergency Management Agency, Flood Map Service Center.

[91] United States Geological Survey, *7.5 Minute Series (Topographic) Kimset Quadrangle Map*

During major flood events that would overtop Schmidt Creek, the shallow swale and the access road could potentially become inundated and debris could be detained within the shallow swale and against the fence lining the tank site's perimeter. However, it is unlikely the project would impede or obstruct flood flows.

MVWC would be required to apply for a LOMR or LOMA, as applicable, to address and document the potential reduction of flood levels relative to the current FIRM, and to demonstrate the raising of the project site grades (previous tank site grading activities) do not, and would not, increase potential flood levels or risk on adjacent, or on up- or down-stream properties, or expose people downstream to a significant risk. The LOMR / LOMA and supportive hydrological analysis would be subject to FEMA approval. Implementation of Mitigation Measure 6 would ensure that potential project impact on the existing delineated flood hazard area of Schmidt Creek would be reduced to a less than significant level.

j) **No Impact.** A seiche is a periodic oscillation of a sizable body of water typically brought about by an earthquake that results in flooding. The project site is not near any sizable body of water. The project site is surrounded by relatively flat land. Nor is the site is located in an area in which a tsunami or mudflow could directly or indirectly affect the proposed project. Due to the relatively flat topography as well as the geologic and soil characteristics of the project site and surrounding area, there is no possibility of a mudslide.[92] For these reasons, no impact would occur.

Mitigation Measures:

6. Madera Valley Water Company shall apply for a Letter of Map Revision / Letter of Map Amendment and submit a hydraulic base floodplain evaluation study and assessment of floodplain risk in accordance with the United States, Department of Homeland Security, Federal Emergency Management Agency (FEMA) and obtain approval from FEMA prior to commencement of any project grading or construction activity.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
LAND USE AND PLANNING				
Would the project:				
a) Physically divide an established community?	☐	☐	☐	☑
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☑	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

[92] Ibid.

Environmental Setting:

The project site is located in an agricultural area regulated by the County of Madera. The Madera County General Plan designates the project site AR. The site is zoned AR-5.[93,94]

The Madera County General Plan designated land use surrounding the project site to the north, east, south and west is AR. Consistent with the Madera County General Plan, the parcels surrounding the project site to the north, east, south and west are zoned AR-5.[95,96] The project site is not located within a coastal zone management area.[97]

Dominant land uses in the vicinity of the project are rural residential, agriculture and the combined Grace Community Church and Crossroads Christian School facilities.[98] The MVWC purchased the proposed water storage tank site for the purpose of installing a new water storage tank. MVWC has a 30 foot wide water line easement along the northern perimeter of the combined Grace Community Church and Crossroads Christian School parcel from Road 26 to the proposed tank site as well as to the east of the water storage tank parcel. A 16-inch water main is located within the easement. A 16-inch stub extends from the 16-inch water main to the water storage tank site.

Response to Checklist Questions:

a) **No Impact.** The proposed improvements would not alter the physical arrangement of surrounding uses nor constitute as a physical barrier to established or contemplated neighborhoods or community. The proposed project involves construction of an elevated water storage tank in rural area. Therefore, the proposed project would have no impact.

b) **Less Than Significant Impact.** The proposed improvements would not conflict with conditionally allowable uses under the project site's General Plan land use designation or zoning district. Nor would the proposed project require a change to County's General Plan land use designations or zoning districts. Furthermore, the project would not conflict with any adopted policies, plans or regulations.

Easements for the proposed access road re-alignment and extension from the Grace Community Church / Crossroads Christian School parking area and to expand the existing storm retention basin would be obtained from the Grace Community Church property (APN 036-140-059) owners. The water storage tank would be constructed on property already owned by MVWC and the water pressure reducing station would be installed within MVWC's existing water pipeline easement. Applicable project permits would be obtained from the County, state and federal agencies, as appropriate, prior to construction of the proposed facilities.

c) **No Impact.** As discussed previously under Biological Resources section of this document, neither a habitat conservation plan nor a natural community conservation plan has been adopted for the project site or property adjacent to the project site. Therefore, the project would not conflict with an adopted habitat conservation plan or natural community conservation plan. No impact would result from project development.

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[93] County of Madera, *Madera County General Plan Land Use Diagram.*

[94] County of Madera, *Madera County Zoning Map.*

[95] County of Madera, *Madera County General Plan Land Use Diagram.*

[96] County of Madera, *Madera County Zoning Map.*

[97] United States, Department of Commerce, National Oceanic and Atmosphere Administration, *Ocean and Coastal Management in California.*

[98] Google Earth, Aerial Imagery Date April 5, 2014.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MINERAL RESOURCES				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☑	☐
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☑	☐

Environmental Setting:

Madera County's mineral resources includes stone (subbase), dimension stone (granitic) and aggregate (sand, gravel, decomposed granite). The California Department of Conservation, California Geological Survey (CGS) is responsible for the classification and designation of mineral resource zones (MRZ) within California containing or potentially containing significant mineral resources to ensure a continued supply of mineral resources for the state. The project site is located in an area designated by CGS as MRZ-3; areas containing mineral deposits, the significance of which cannot be evaluated from available material.[99]

Moreover, CGS has included a portion of Madera County, including the project site, as mineral lands of the Fresno Production-Consumption region. The Fresno Production-Consumption region boundaries set by CGS are determined based on the market boundaries of the active aggregate operations. The Fresno Production-Consumption region is estimated to contain 2,169 million tons of aggregate. Approximately 57 million tons of undeveloped aggregate resources exist in Madera County. [100]

Response to Checklist Questions:

a - b) **Less Than Significant Impact.** The project site is located in an area designated by the CGS as MRZ-3; areas containing mineral deposits, the significance of which cannot be evaluated from available material. As such, the proposed project could result in an unknown potential loss of economically viable deposits of aggregate that could be useful to extract for Portland cement concrete, asphaltic concrete, stucco, plaster or other purpose. The project would result in a potential loss of known mineral resource valuable to the county, region or state. However, the project site would likely be unsuitable for mineral extraction given its size, location and present urban uses adjacent to the site. Therefore, the proposed project would not likely result in a significant loss of locally, regional or statewide important aggregate resources.

[99] County of Madera, Madera County, *Madera County General Plan Background Report,* p6-10, Fig6-6.

[100] Ibid, pp6-10 - 6-11, Fig6-6.

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

Environmental Setting:

The principal noise source in the vicinity of the proposed project is traffic on Road 26 and the BNSF located approximately one-half (½) mile to the east. Other sources of noise include seasonal agricultural operations. Noise produced by industrial activity has a negligible effect on the neighborhood's ambient noise environment. Typical day-night noise levels (L_{dn}) in noise-sensitive areas of the unincorporated areas of Madera County are in the range of 41 to 63 decibels (dB).The quietest areas of the County are those areas which are removed from major transportation-related noise sources and local industrial or other stationary noise sources.[101]

Madera County's ambient noise level is measured in decibels and described by their maximum a-weighted noise level (dBA) or by their sound exposure level (SEL). Common descriptions include community noise equivalent level (CNEL) and L_{dn}. Both reflect noise exposure over an average day with weighting to reflect the increased sensitivity to noise during the evening and night. The two descriptors are roughly equivalent.

[101] County of Madera, *Madera General Plan Background Report, Chapter 8: Noise*, p8-14.

Maximum allowable noise exposures are defined in the County's General Plan and Ordinance Code. The General Plan establishes acceptable exterior noise levels from roadways, rail, and air traffic, and acceptable day- and night-time noise levels from other sources. The County General Plan also includes vibration policies that specifically apply to the implementation or operation of the proposed project.

Madera County General Plan specifies noise level limitations that restrict sound levels when measured at or within the receiving property line. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers at the property line. For new non-transportation projects, such as the proposed project, the project may not cause or increase noise levels that would exceed the maximum allowable noise exposure standards on lands designated for noise sensitive uses shown in Table 4 Maximum Allowable Noise Levels for Non-Transportation Sources. Noise sensitive uses include residential uses, schools, hospitals and convalescent homes.[102]

Table 4 Maximum Allowable Noise Levels for Non-Transportation Sources

	Daytime (7am to 10 pm)	Nighttime (10 pm to 7 am)
Hourly L_{eq}, dB[1]	50	45
Maximum Level, dB[1]	70	65

Notes: L_{eq} refers to equivalent continuous sound level.
[1]Measured at the property line of a receiving noise sensitive land use
Source: Madera County General Plan Policy Document

Noise sensitive uses in the immediate project vicinity include Crossroads Christian School and the Grace Community Church pastor residence. The property line of the Grace Community Church, for which both the pastor residence and the school reside, immediately abuts proposed MVWC tank site. Physically, the pastor residence, a one-story, single family home, is located approximately 120 feet south of the shallow swale and approximately 330 feet southwest of the proposed water storage tank site. The Crossroad Christian School classrooms, which extend along the northern perimeter of the Grace Community Church parcel, are located 43 feet east and 110 feet south of the proposed tank site access road realignment and improvements. The nearest classroom is located approximately 124 west of the shallow swale and approximately 440 feet west of the proposed tank site.

The County's maximum allowable noise exposure limitations shown in Table 4 do not apply to noise levels resulting from construction activity, if the construction activity occurs between 7 am and 7 pm Monday through Friday and 9 am and 5 pm on Saturdays and all construction equipment is properly muffled and maintained. Construction activities are prohibited on Sundays. Construction activity sound limitations are found in Chapter 9.58 – Noise Regulations of the Madera County Code.

Vibration is an oscillatory motion through a solid medium in which motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration. The peak particle velocity (PPV) is most frequently used to describe vibration affects to buildings. The PPV is defined as the maximum instantaneous peak of the vibration signal. The root mean square (RMS) amplitude is most frequently used to describe the affect of vibration on the human body. The RMS amplitude is defined as the average of the squared amplitude of the signal. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the

[102] County of Madera, *Madera General Plan Policy Document*, pp76-79.

vibration. Unlike noise, there are no quantitative standards for ground vibration in the Madera County General Plan or Codes.

In absence of local regulatory significance thresholds for vibration from construction activity, it is appropriate to use California Department of Transportation identified PPV value thresholds for adverse human reaction and risk of architectural damage to buildings, which is 0.10 inches per second (in / sec) and 0.20 in / sec, respectively.[103]

The Madera Municipal Airport is located 2.4 miles to the southwest the project site. The nearest private airstrip, Sallaberry Ranch Strip, is located approximately five miles northwest of the project site. The private airstrip is located north of Avenue 21, between Road 22 and Road 22½.[104]

Response to Checklist Questions:

a, c) **Less Than Significant Impact.** The proposed project would have no long-term effects on noise levels. Once completed and in operational status, the proposed project would not increase the ambient noise level in residential or other noise sensitive areas. The project does not include implementing or operating new stationary noise sources (e.g., electric motor pumps) at the tank site. The continued operation of the existing well at the tank site for irrigation purposes, nor the potential noise resulting from the operation and maintenance of the proposed water storage tank facility would be indistinguishable from current ambient noise conditions in the surrounding project area.

The project would not require additional employees to operate or maintain the water tank. Operations of the water tank would not be expected to result in measurable change in traffic noise contours of area roadways and would not be expected to result in a substantial increase in average daily traffic noise levels in the project area. Therefore, the proposed project would have a less than significant impact on the existing ambient noise levels in the project area.

b, d) **Less Than Significant with Mitigation Incorporated.** Temporary increases in ambient noise levels would occur during project construction. Project construction at the water tank site would require, excavation, cut and fill, rough and finish grading, trench work, forming and pouring of concrete forms and foundations, pipe and metal cutting and welding, installation and assembly of equipment, pipes, and the water tower structure.

Project implementation would require the use of heavy equipment, including, but not limited to an excavator, loader, grader, backhoe, heavy crane equipment and concrete delivery trucks, and compactors. Construction would also require the use of generators, air compressors and pneumatic powered tools. Construction noise would vary greatly depending on the construction activity performed, type and specific equipment, condition of equipment used and layout of the construction site. Project construction noise levels could persist for up to 10 to 12 months.

Based on the project construction phases identified in Table 5 Typical Construction Noise Levels, and on the type of construction equipment used, typical noise emissions levels for each category of equipment shown in Table 6 Typical Construction Equipment Noise Levels, and estimates of noise attenuation as a function of distance from the noise source (assuming construction noise is reduced by six (6) dB for each doubling of distance), short-term construction noise would be considered significant.

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[103] State of California, Department of Transportation.

[104] Google Earth, Imagery Date April 5, 2014.

Table 5 Typical Construction Noise Levels

Construction Phase	Noise Level at 50 Feet (dBA L_{eq})[1]	Noise Level at 100 Feet (dBA L_{eq})[1]	Noise Level at 200 Feet (dBA L_{eq})[1]	Noise Level at 400 Feet (dBA L_{eq})[1]
Ground Clearing	84	78	72	66
Excavation	89	83	77	71
Foundation	78	72	66	60
Finishing	89	83	77	71

Notes: [1]L_{eq} refers to equivalent continuous sound level
Source: United States Environmental Protection Agency

Table 6 Typical Construction Equipment Noise Levels

Construction Equipment	Noise Level at 50 Feet (dBA L_{eq})[1]	Noise Level at 100 Feet (dBA L_{eq})[1]	Noise Level at 200 Feet (dBA L_{eq})[1]	Noise Level at 400 Feet (dBA L_{eq})[1]
Air Compressor	81	75	69	63
Backhoe	85	79	73	67
Compactor	82	76	70	64
Dozer	87	81	75	69
Concrete Pump	82	76	70	64
Concrete Mixer	85	79	73	67
Generator	78	72	66	60
Loader	84	78	72	66
Pneumatic Tools	85	79	73	67
Roller	74	68	62	56
Truck	88	82	76	70

Notes: [1]L_{eq} refers to equivalent continuous sound level
Source: United States Environmental Protection Agency

Crossroads Christian School and the pastor residence are both considered a noise sensitive land use. The Grace Community Church pastor residence is approximately 120 feet south of the shallow swale and approximately 350 feet southwest from the proposed water tank site and water pressure reducing station. The Grace Community Church sanctuary is approximately 200 feet west of the shallow swale, approximately 330 feet west of the tank site, and approximately 320 feet south of the proposed access road improvements. Crossroad Christian School classrooms are located 43 feet east and 110 feet south of the proposed tank site access road realignment and improvements. The nearest classroom is located 124 feet west of the shallow swale and approximately 430 feet west of the proposed tank site.

Assuming the loudest pieces of equipment and a geometric attenuation rate of 6 dB per doubling of distance and ground absorption, the estimated intermittent project construction noise level related to the construction of the water storage tank facility at the nearest classroom, would be approximately 74 to 88 dBA during daytime hours. Construction of the water storage tank would be a disturbance to staff and students of Crossroads Christian School and to the staff and congregation attending Grace Community Church. Therefore, short-term project construction of the water tank facility would be considered a significantly impact on the Crossroad Christian School and Grace

Community Church. Implementation of Mitigation Measures 7 and 8 would ensure the proposed project impact would be reduced to a less than significant level.

With respect to the proposed access road realignment, extension and improvements, the nearest classroom would be 43 feet from the access road improvements and the on-site haul route for material, equipment and contractors to the proposed tank site. The church sanctuary would be approximately 240 from the access road improvements. Construction of the access road improvements and the hauling of material and equipment to and from the proposed tank site would be a disturbance to staff and students of Crossroads Christian School and to the staff and congregation attending Grace Community Church. Therefore, short-term project resulting from the construction of the access road realignment, extension and improvements would be considered a significant impact. Implementation of Mitigation Measures 7 and 8 would ensure the potential project noise impacts would be reduced to a less than significant level.

Construction activity would raise the ambient noise level in the general vicinity of the project site, beyond the limits of APNs 036-140-059 and -060. Noise sensitive land uses beyond those present on the Grace Community Church parcel (APN 036-140-059), which would likely be affected by construction-related project activities, include single family residences to the south and west of the project site. The nearest off-site residence is 890 feet. Based on the potential noise levels identified in Table 5, the nearest off-site sensitive receptor would be approximately 58 to 69 dBA during daytime hours. Therefore, the proposed project would have a less than significant short-term impact on noise sensitive land uses not present on APNs 036-140-059 and -060.

Construction-related material haul trips and vehicle travel to and from the project site would raise the ambient noise levels along the off-site construction haul routes; however, the increased noise levels are not expected to be significant. Construction haul routes in the immediate vicinity of the project site include SR 99, Avenue 17, Road 26 and the entry road near the church and school. Typically, the majority of construction related haul trips and traffic occurs between 6 am and 9 am, Monday through Friday. MVWC has indicated that truck deliveries to and from the project site would be limited to the morning (between 6 am and 8 am) and late in the afternoon (after 3 pm) after school has been dismissed. Mitigation Measure 7 would ensure potential off-site noise impacts would be reduced to a less than significant level.

Project construction activities have the potential to result in varying degrees of temporary ground-borne vibration, depending the specific construction equipment used and operation involved. Vibration generation by construction equipment spreads through the ground and diminishes in magnitude with increase distance. Construction vibrations can be transient, random or continuous, and can pose a risk to nearby structures. Constant or transient vibrations can weaken structures, crack building facades and disturb occupants. Table 7 Ground-Borne Vibration Levels identifies the various effects of ground-borne vibrations have on people and structures. Table 7 also identifies the threshold for damage to structures ranges from PPV values of 0.2 to 0.6 in / sec. The threshold for annoyance to sensitive receptors is a PPV value of 0.1 in / sec.

Transient construction vibrations may result from, but not limited to, blasting, impact pile driving or heavy equipment use. Continuous vibrations may result from, but not limited to, pile drivers, or compressors. Random vibrations may result from, but not limited to, heavy equipment operations. Table 8 Typical Construction Equipment Vibration Levels identifies the vibration levels of various construction equipment.

Table 7 Ground-Borne Vibration Levels

Peak Particle Velocity (Inches / Second)	Human Reaction	Structural Effects
0.006 – 0.019	Threshold of perception.	Vibrations unlikely to cause damage of any type.
0.08	Vibrations readily perceptible.	Recommended upper level of vibration to which ruins and historical monuments should be subjected to.
0.10	Level at which continuous vibrations begin to annoy people.	Virtually no risk of "architectural" damage to normal buildings.
0.20	Vibrations annoying to people in buildings.	Threshold at which there is a risk of "architectural" damage to normal dwellings - houses with plastered walls and ceilings.
0.40 – 0.60	Vibrations considered unpleasant by people subjected to continuous vibrations.	Vibrations would cause "architectural" damage and possible minor structural damage.

Source: California Department of Transportation

Table 8 Typical Construction Equipment Vibration Levels

Equipment		PPV at 25 Feet (in / sec)[1]	Approximate Lv (VdB at 25 Feet)[2]
Pile Driver (Impact)	Upper Range	1.518	112
	Typical	0.644	104
Pile Driver (Sonic)	Upper Range	0.734	105
	Typical	0.170	93
Large Bulldozer		0.089	87
Caisson Drilling		0.089	87
Trucks		0.076	86
Small Bulldozer		0.003	58

Notes: PPV = Peak Particle Velocity
Lv = Vibration velocity level in decibels (VdB) and is based on the root mean square (RMS) velocity amplitude
in / sec = Inches per second
Source: United States Department of Transportation, Federal Transit Administration

The proposed water storage tank would be supported on either a circular shallow foundation or on a deep foundation system. A deep foundation would require piles to be driven into the ground. Based on typical deep foundation plans for pedestal tanks, the water tank foundation would require four foot diameter drilled piles connected by a circular-shaped grade berm.[105]

Should the tank be supported by a deep (pile) foundation, the most significant source of ground-borne vibration during project construction would be from pile driving. Pile drivers could potential generate PPV values up to 1.518 in / sec with typical values around 0.644 in / sec at a distance of 25 feet from the pile drivers. Based on United States Transportation Agency's recommended procedures for applying a propagation adjustment for these reference levels, the vibration levels would be attenuated to 69 VdB at a distance of 100 feet. Based on the data presented in Table 8, the potential risk of off-site damage ground-borne vibration is not likely and would be considered less than significant.

Another potential source of ground-borne vibrations during project construction would be use and movement of heavy equipment (e.g., excavator, dozer, loader). Table 8 identifies the vibration levels for various construction equipment. Generally, the predominant vibration generating activities would be the result of impact activities such as loading or unloading of materials at the project site. While truck travel would occur to and from the project site during and following construction, the rubber tires and suspension systems of trucks provide vibration isolation and it is unusual for trucks to cause ground-borne noise or vibration. Based on the data presented in Table 8, anticipated vibration generated by heavy equipment would be substantially less than the criteria published by the United States Transportation Agency of 0.2 inch / second PPV for the protection of fragile buildings.[106] Therefore, the proposed project would result in a less than significant vibration impact.

The project is not expected to involve blasting for excavation purposes or for any other project construction purpose.

e, f) **No Impact.** There are no public airports or private airstrips within a two mile radius of the proposed project site. The nearest public use airport, Madera Municipal Airport is located 2.4 miles to the southwest the project site.[107] The project site is not located within the adopted the Madera Airport land use compatibility plan or within any other adopted airport land use compatibility plan.[108]

The nearest private airstrip, Sallaberry Ranch Strip, is located approximately five miles northwest of the project site. This private airstrip is located north of Avenue 21, between Road 22 and Road 22½.[109] Based on available aerial images taken in 2014, this airstrip appears to be either abandon or sparsely used.[110] Therefore, the project would not expose people working at the project site to excessive noise levels relative to public or private airport operations.

Mitigation Measures:

7. All earthwork, construction and coating (e.g., paint) activities, with the exception of heavy equipment and material delivery and removal, water tank site access road realignment, extension

[105] Moore Twining Associates, Inc., *Geotechnical Engineering Investigation, Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank Northeast of the Intersection of Road 26 and Honda Road, Madera County, California (Project Number: E95401.01)*, p4.

[106] Ibid.

[107] Google Earth, Imagery Date April 5, 2014.

[108] County of Madera, *Airport Land Use Compatibility Plan*, Figures 3A-3E.

[109] Google Earth, Imagery Date April 5, 2014.

[110] Ibid.

and improvements, pile driving, if required, shall be limited to the hours between 7 am and 7 pm, Monday through Friday and between 9 am and 5 pm on Saturdays.

Delivery and removal of heavy equipment or materials shall be limited to the hours between 7 am and 8 am or between 3 pm and 7 pm, Monday through Friday, and between 9 am and 5 pm on Saturdays.

All earthwork and construction activities required of the realignment, extension or improvement to the water tank site (Madera County Assessor Parcel Number 036-140-060) access road shall be limited to the hours between 7 am and 8 am or between 3 pm and 7 pm, Monday through Friday, and between 9 am and 5 pm on Saturdays.

Pile driving, if required, shall be limited to the hours between 8 am and 5 pm, Monday through Friday.

8. Stationary construction equipment (i.e., compressor, generator, mixer) and heavy equipment or material staging areas shall be limited to the Madera Valley Water Company water storage tank site (Madera County Assessor Parcel Number 036-140-060). If a stationary noise source must be placed within 150 feet of the Grace Community Church sanctuary or residence, or that of a Crossroad Christian School classroom, the equipment shall be equipped with noise reducing engine housing and the line of sight between such sources and noise sensitive sources (sanctuary, residence, classroom) shall be blocked by portable acoustical barriers.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
POPULATION AND HOUSING				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☑
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Environmental Setting:

MVWC's 1,300 acre (2.25± square miles) service area encompasses 14 subdivisions with a total of 2,061 developed and developable parcels, the maximum number of customers or shareholders available by the MVWC under its current organization. The company currently serves 1,896 customers within its service area. Build-out of all remaining developable parcels in the MVWC service area could potentially add 165 new water connections.

The United States Census Bureau reports that in 2010, the average household size was 3.28 persons.[111] Assuming all current MVWC customers represent individual households, an estimated 6,220 people reside within the MVWC service area in 2010. The United States Census Bureau also reported that in 2010, the population of Madera County was 150,865 and a total of 49,140 housing units were present in the County in 2010.[112]

No houses are present within the project site. Houses are present within the vicinity of the project site. The nearest residence, the Grace Community Church pastor residence located on the Grace Community Church parcel (APN 036-140-059), is approximately 120 feet south of the proposed drainage swale and approximately southwest of the proposed tank site.

Response to Checklist Questions:

a) **No Impact.** The proposed project would not directly induce or create any new population growth within the MVWC service area or in the County as a whole. The proposed project would provide temporary employment for construction purposes. An estimated 15 employees would be employed during the construction of the project over a period of 10 to 12 months. Project construction workers would not create a direct or indirect need for short- or long-term housing. Construction contractors and their employees would mostly likely come from, or possibly stay in, nearby communities and commute to the project site on a daily basis during the duration of the of their contracted project tasks. The proposed project would not result in the permanent creation of new jobs that would induce substantial population growth.

The primary purpose of the project is to reduce MVWC's energy costs. The project would not remove an impediment to growth in the MVWC service area. MVWC's present water supply network has a capacity of 8,000 gpm. MVWC's current average usage is less than 2,900 gpm with a peak demand of 4,500 gpm. MVWC's existing water supply capacity of 8,000 gpm is more than adequate to meet the needs of its present customers as well as the needs of the remaining undeveloped parcels within its service area. Moreover, development of remaining parcels within MVWC's service area is subject to property owner interests or real estate conditions, not on whether or not the proposed project is implemented. Therefore, proposes project would not have a direct or indirect impact on population growth in the MVWC service area or in the County of Madera.

b, c) **No Impact.** No residences or quarters are present on the project site. Therefore, no residences or people would need to be relocated to accommodate the proposed project. As such, no impact would result from implementing the proposed project.

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[111] United States, Department of Commerce, Economics and Statistics Administration, United States Census Bureau, *DP-1, Profile of General Population and Housing Characteristics: 2010, Madera County California.*

[112] United States, Department of Commerce, Economics and Statistics Administration, United States Census Bureau, *DP-1, Profile of General Population and Housing Characteristics: 2010, Madera County California.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☑	☐
ii) Police protection?	☐	☐	☑	☐
iii) Schools?	☐	☐	☐	☑
iv) Parks?	☐	☐	☐	☑
v) Other public facilities?	☐	☐	☐	☑

Environmental Setting:

Fire Protection – The project area is served by the Madera County Fire Department. The Madera County Fire Department is a full service fire department providing emergency services to all unincorporated areas of Madera County through a network of six fire stations. Madera County contracts with CAL-FIRE to provide fire protection and emergency services in the County. In addition to CAL-FIRE employees, the County also relies on "volunteer' fire fighters, when required, to assist on fire protection calls.[113]

The nearest County fire station to the project site is Station #3 (Madera Acres). Station #3 is located at the southwest corner of Road 26 and Avenue 18 ½, approximately one mile driving distance from the project site. This station is staffed 24 hours by full time firefighting personnel.[114]

The nearest fire hydrant is along the northern fence line of the Grace Community Church parcel, approximately475 west of the proposed water storage tank site. The fire hydrant is accessible from the access road.

The Insurance Service Office (ISO) ratings for Madera County vary from Level 6 in areas with a rated hydrant system to a 9 in some of the more remote areas.[115] The project tank site, absent fire hydrants but within in five miles of a fire station, has an assigned ISO rating of Level 8.

Police Protection – Law enforcement services in Madera County is provided by the Madera County Sheriff's Office. The Sheriff's Office is responsible for investigation of all criminal activities occurring in

[113] County of Madera, *Madera County General Plan Background Report*, p4-12.

[114] County of Madera, Fire Department, *Fire Prevention and Suppression.*

[115] County of Madera, *Madera County General Plan Background Report*, p4-13.

unincorporated areas and apprehension of individuals who have violated the law. The Sheriff's Office also provides court security services, correctional services, as well as serves the County's Coroner Office. The Sheriff's law enforcement coverage area of Madera County's Sheriff's Office encompasses the entire unincorporated area of the County.[116]

The California Highway Patrol handles all traffic enforcement and automobile accident investigations for the unincorporated parts of Madera County. Madera County is within the California Highway Patrol's Central Division. The Central Division responsible for 15 area offices, 6 resident posts, and 2 commercial inspection facilities. The nearest Central Division office is in the City of Madera[117]

Schools – Madera County includes all or portions of 11 public school districts and 1 California community college district. The project site is located within the boundaries of the Madera Unified School District and the State Center Community College District.[118] The Madera Unified School District is comprised of 25 school facilities as well as facilities for adult and alternative education in the greater Madera area. The project site is served by Berenda Elementary School (grades K-6), Desmond Middle School (grades 7 -8) and by Madera South High (grades 9-12). A new high school campus is planned for construction on Road 26, south of the project site.[119]

The Central California Community College District, which has six campuses, offers associate degrees, university transfer courses and career technical programs that meet the academic and workforce needs of the San Joaquin Valley. One campus is located in Madera County – Madera Community College Center. Madera Community College Center is located on Avenue 12, east of SR 99.[120]

Parks – Madera County does not have a park or recreation department, nor does the County provide parks or recreational facilities. Due to the federal government holdings of public lands in the Sierra National Forest, the County relies on the federal public lands to provide recreation and tourism opportunities. The County also relies on state park facilities, local communities and schools within the County to provide recreational opportunities for its citizens.[121] No public recreational facilities are present in the project area.

Other Public Facilities – Library services in Madera County are administered by Madera County. The Madera County Library system consists of five branch libraries. The main library is located in the City of Madera with branch libraries are located in the following communities: North Fork; Madera Ranchos; Oakhurst; and the City of Chowchilla. The nearest library facility to the project site is the main library in the City of Madera.[122]

Response to Checklist Questions:

a) **i) Fire Protection: Less Than Significant Impact.** The project site is served by the Madera County Fire Department and would continue to be served by the Madera County Fire Department. Construction and operation of the proposed water storage tank would not require additional fire protection services to the project site presently available. There would be no alteration to acceptable service ratios or response times or other performance objectives currently experienced at the project site. Nor would the proposed project degrade or reduce the availability of water for fire suppression purposes in or around the project area.

[116] Ibid, p4-12.

[117] California Highway Patrol, *CHP Central Division.*

[118] County of Madera, *Madera County General Plan Background Report*, p4-15.

[119] Madera Unified School District, *Our District.*

[120] State Center Community College District, *Madera Community College Center.*

[121] County of Madera, *Madera County General Plan Background Report*, pp5-10 – 5-18.

[122] Ibid, p4-20.

The operations of the proposed water storage tank may require the storage, handling and use of small amounts hazardous materials. Periodic cleaning and maintenance of the water tank interior facilities will occur. The MVWC would be responsible for updating their hazardous materials business plan and chemical inventory to reflect additional water storage tank facility. The project would not require specialized fire protection or emergency services beyond those already provided by the Madera County Fire Department. Therefore, the proposed project would have a less than significant impact in regards to fire protection services.

ii) **Police Protection: Less Than Significant Impact.** The project site is served by the Madera County Sheriff's Office and would continue to be served by the County Sheriff's Office. The proposed water storage tank facility would be placed within a secured fenced and gated environment. The project would not result in the need for new or altered services, or alter the patrol requirements from the Madera County Sheriff's Office or that of the California Highway Patrol. Therefore, the proposed project would have a less than significant impact in regards to police protection.

iii) **Schools: No Impact.** The project would not result in the construction of new residences and no additional employees would be required by MVWC to operate or maintain the proposed project. The project would have no impact on the Madera Unified School District or Central California Community College District facilities.

iv) **Parks: No Impact.** The project would not result in the construction of new residences and no additional employees would need to be hired by MVWC to operate or maintain the proposed the proposed improvements. Therefore, the proposed project would not have an impact on public parks or recreational facilities located in Madera County.

v) **Other Public Facilities: No Impact.** Due to the nature of the proposed project, the project would not result in a need for additional or other public facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

Environmental Setting:

Madera County does not have a park or recreation department, nor does the County provide parks or recreational facilities. Due to the federal government holdings of public lands in the Sierra National Forest, the County relies on the federal public lands to provide recreation and tourism opportunities. The County also relies on state park facilities, local communities and schools within the County to provide recreational opportunities for its citizens.[123]

No public recreational facilities are present in the project area. No bike lanes are designated on nearby roadways.

Response to Checklist Questions:

a, b) **No Impact.** Increases in demand for recreational facilities are typically associated with substantial increase in population. The project would not result in the construction of new residences and no additional employees would need to be hired by MVWC to operate or maintain the proposed project. Therefore, the project would not have an impact on public parks or other recreational facilities.

The proposed project does not include any plans for the addition of any recreational facilities or require the expansion of existing parks or require the construction of new parks or recreational facilities. The project would not have an adverse impact on existing or planned recreational facilities.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
TRANSPORTATION / TRAFFIC				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☑
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☑	☐

[123] Ibid, pp5-10 – 5-18.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☑	☐
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☑
e) Result in inadequate emergency access?	☐	☐	☑	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☑

Environmental Setting:

Roads in Madera County area are classified as arterials, major and minor collectors, or as local streets. Roadways that provide primary circulation near the project site and would likely to be affected by the project include SR 99, Avenue 17 and Road 26. Driveway access to and from the project site is provided along Road 26. Road 26, a designated Arterial, is a two-lane paved road with a center turn lane. Road 26 provides access between the project site and the City of Madera and surrounding areas.

Regional access to the project site is provided by SR 99. State Route 99, a north-south trending four-lane divided highway, traverses through the center of the Madera Area and provides a southerly link to the City of Fresno. Northbound, SR 99 provides a connection to SR 152, Cities of Chowchilla and Merced and beyond. State Route 99 in the Madera area carried approximately 57,000 to 63,000 average daily trips in the Year 2013.[124]

Because of Madera County's agriculturally-oriented economic base, the County does not have designated truck routes. In lieu of designated truck routes, certain routes have been identified as especially suited for heavy-truck traffic. State Route 99, Avenue 17 and Road 26 are mapped as roads suitable for heavy-truck traffic.[125]

No pedestrian facilities exist adjacent to or within the immediate vicinity of the project site.[126]

Transit needs in Madera County are administered and managed by the County's Resource Management Agency, Road Department. The County's transit system, commonly referred to as "Madera County Connection", operates fixed lines and demand that does not include the project area.[127]

[124] California State, Business, Transportation and Housing Agency, Department of Transportation, Division of Traffic Operations, *2013 Traffic Volumes on the California State Highway System.*

[125] County of Madera, *Madera County General Plan Background Report*, p3-21, Fig3-6.

[126] Google Earth, Imagery Date April 5, 2014.

[127] Madera County Resource Management, Roads Department, *Madera County Connection Schedule Information, 2015.*

Two publicly – owned, general aviation municipal airports are located in Madera County. The two airports are Chowchilla Municipal Airport and Madera Municipal Airport.[128] The nearest publicly – owned airport is the Madera Municipal Airport. The Madera Municipal Airport is approximately 2.4 miles southwest of the project site.[129]

In addition to public use municipal airports, there are 32 privately-owned airfields located within Madera County. [130] Privately owned airstrips generally serve as access to large or remote ranches and / or are used for agricultural related crop dusting activities. The nearest active private airstrip, Sallaberry Ranch Strip, is located approximately five miles northwest of the project site.[131]

Response to Checklist Questions:

a) **No Impact.** The project would be consistent with policies, programs or standards established by the County of Madera. The project does not include improvements or proposed construction activities within public right-of-ways, nor would project operations require additional staff to operate or maintain the proposed improvements. Therefore, no impact is anticipated.

b) **Less Than Significant Impact.** Project construction would temporarily increase traffic due to the transport of equipment, material and workers to and from the project site. This short-term impact would be limited due to the temporary nature of the construction. Construction vehicles used to haul project materials, such as earth and structural material, and construction equipment would utilize SR 99, Avenue 17 and Road 26. The proposed construction equipment and material haul route would enter and exit the project site from Road 26 via the Church and School entrance and access road paralleling the northern boundary of the joint church and school site. Truck traffic leaving the project site would likely take Road 26 to Avenue 17 and onto SR 99. Trucks would likely use the same route in reverse to make deliveries to the project site.

Minor short-term impacts could occur to traffic and circulation from the arrival and departure of work trucks during peak traffic periods. According to MVWC's Engineer, (Giersch & Associates), construction would typically take place Monday through Friday, between 7 am and 4 pm. On some days, construction hours could be extended to meet building standards for construction of concrete features and testing. The majority of construction related haul trips and traffic would generally occur between 6 am and 9 am, Monday through Friday. Adequate construction worker and equipment parking would be provided on-site.

No long-term impacts resulting in increased congestion or traffic delays would occur with implementation of the proposed project. Long-term operations and maintenance of the project after completion of the proposed improvements is anticipated to generate a minimal increase in employee trips for operational and maintenance purposes.

c) **Less Than Significant Impact.** The project does not involve the use of air transit, nor is expected to cause any change in air traffic levels. The nearest public use airport, Madera Municipal Airport, is approximately 2.4 miles southwest of the project site. [132] The project site is not located within the adopted Madera Municipal Airport land use compatibility plan.[133]

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[128] County of Madera, *Madera County General Plan Background Report*, p3-17.

[129] Google Earth, Imagery Date April 5, 2014.

[130] County of Madera, *Madera County General Plan Background Report*, p3-17.

[131] Google Earth, Imagery Date April 5, 2014.

[132] Ibid.

[133] County of Madera, *Airport Land Use Compatibility Plan, Madera County Airports*, Fig3B.

While the project is not located within an airport land use plan or within the vicinity of any public airport or active private airstrips, the proposed elevated water storage tank would be of significant height. The height of the proposed elevated water storage structure would be 155 feet. Given the height and location of the proposed project improvements, MVWC would be required to file a notice with the FAA (Notice of Proposed Construction or Alternation) under Section 77.9 of Title 14, Chapter 1, Subchapter E, Part 77 of the United States Code of Federal Regulations administered by the FAA.

The FAA is responsible for reviewing and determining the effects of the proposed project would have on the safety in air commerce and the efficient use and preservation of the navigable airspace and make a determination whether the proposed project would be a hazard to air navigation. The FAA would also make a determination as to what, if any, appropriate marking and lighting recommendations would be required of the proposed elevated water storage tank. Compliance with applicable FAA regulations and standards, potential aviation impacts associated with the location and height of the proposed elevated water storage tank would be less than significant. No additional mitigation would be required.

d) **No Impact.** The project would not involve improvements or changes to off-site roadways and thus would not create road hazards or alter design features developed to minimize or mitigate road hazards. Therefore, no impacts are anticipated.

e) **Less Than Significant Impact.** Emergency response and evacuation plans relay on clear access to area roadways during times of emergency. Movement of oversize equipment or material loads during construction at the project site could potentially impair access for emergency needs. Emergency vehicular access would be intermittent and would be restored following the passing of oversized or slow moving truck traffic. Therefore, no significant impacts are anticipated.

f) **No Impact.** The project is not anticipated to be inconsistent with any policies or programs supporting alternative transportation. The project would not involve any change in the location of bus routes, stops, bicycle routes, sidewalks or other facilities used for alternative transit. Therefore, no impacts are anticipated.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
UTILITIES AND SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☑	☐	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c)	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☑	☐	☐
d)	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☑	☐
e)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑
f)	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☑	☐
g)	Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☑	☐

Environmental Setting:

Wastewater Services / Facilities – MVWC does not provide for wastewater collection, treatment or disposal services. At the present time, residences and business within MVWC service area do not receive wastewater services from MVWC or from any other service purvey and rely on individual septic systems for wastewater disposal and treatment.

Water Supply – MVWC's public water system provides potable water services to the shareholders within its service area. Water is pumped and conveyed through a pressurized water system. Currently, MVWC's seven wells must continually operate to meet and supply the average daily demand and the peak flow demands on a 24 hour basis. State regulations require that enough wells be operational to supply the peak day and peak hour demands, and fire flow requirements with the largest well out of service. Typically, MVWC's average usage is less than 2,900 gpm. MVWC's water system requires well capacity up to 4,500 gpm to meet the peak demands and fire flow requirements.

Storm Water Drainage – No stormwater collection, conveyance or disposal facilities exist on the project site. Stormwater runoff resulting from existing impervious conditions within the project site is absorbed into the ground or sheet flows off-site and ultimately into Schmidt Creek.

Solid Waste – Solid waste services in the County's unincorporated areas, as well as, the solid waste disposal sites are governed by Madera County. Madera County does not operate solid or hazardous waste hauling operations. A private contractor waste hauler is responsible for collection, hauling and disposal of solid waste in the County.

The franchise hauler for the project area collects and transports solid waste collected in the project area to the Fairmead Landfill. The Fairmead Landfill, which is owned by the County, is approximately eight miles

northwest of the proposed project site. The landfill is located at the southeast corner of Road 19 and Avenue 22.[134]

The Fairmead Landfill is a Class III facility. As a Class III facility, the landfill accepts green materials, mixed municipal waste, tires, wood waste and construction / demolition, agricultural and hazardous waste. The landfill is permitted to accept up to 1,100 tons / day and has an anticipated 2028 closure date. Hazardous materials received at the Fairmead Landfill are temporarily stored and haul to respective recycling or disposal sites outside the County.[135]

Response to Checklist Questions:

a, e) **No Impact.** The proposed project would not require or involve the treatment or discharge of wastewater. No restroom, kitchen facilities or washbasins would be constructed as part of the proposed project. Therefore the proposed project would not require the construction of additional wastewater or wastewater treatment facilities. There would be no impact to wastewater collection or treatment facilities.

b) **Less Than Significant with Mitigation Incorporated.** The proposed project involves the construction of new water facility, specifically a water storage tank capable of storing 1.5 million gallons. The project also includes the extension, realignment and improvements of the access road to MVWC proposed water tank site and implementation of an overflow / discharge pipe to existing shallow swale located between the tank site and the joint church / school facilities. These facilities would result in various environmental effects, as discussed in this document. Standard construction permits and measures, as well as implementing mitigation measures described in this document would be necessary to minimize or avoid these adverse impacts. Compliance with standard construction permits and measures, and with specific mitigation measures identified in this document would reduce specific and overall project impacts to the environment to less than significant.

c) **Less Than Significant with Mitigation Incorporated.** The project would involve stormwater drainage improvements. The project would include the construction of new 12-inch diameter overflow / tank discharge pipe to a concrete standpipe to be constructed in the existing shallow swale shown in Figure 4. Drainage captured on the water storage tank site would also be routed to the new 12-inch diameter pipe and concrete standpipe and disposed into an existing shallow swale. During major storm events storm water could potentially overtop the shallow swale and sheet flow over the water tank access road and into Schmidt Creek.

Installation of the 12-inch pipe and 36-inch standpipe would involve ground disturbance activities. The swale would not be re-contoured, excavated (other than for the installation of the pipe and standpipe) or enlarged. These improvements would result in various environmental effects, as discussed in this document. Standard construction permits and measures, as well as implementing mitigation measures described in this document would be necessary to minimize or avoid these adverse impacts. Compliance with standard construction permits and measures, and with specific mitigation measures identified in this document would reduce specific and overall project impacts to the environment to less than significant.

d) **Less Than Significant Impact.** The proposed project would not require an increase in water supplies. Rather, the proposed project would be an improvement to MVWC's existing water supply system. Currently, MVWC's seven wells must continually operate to meet and supply the average

[134] County of Madera, *Madera County General Plan Background Report*, p4-10.

[135] State of California, The Environmental Protection Agency, Department of Resources Recycling and Recovery, *Facility / Site Summary Details: Fairmead Solid Waste Disposal Site (20-AA-0002).*

daily demand and the peak flow demands on a 24 hour basis. State regulations require that enough wells be operational to supply the peak day and peak hour demands, and fire flow requirements with the largest well out of service. The proposed water storage tank would provide flexibility to the MVWC water supply and distribution system, and allow MVWC operators to determine when the wells would operate to store water for peak hour use. The 20 percent of daily usage occurring during peak rate hours would be supplied by the tank and then restored during part peak and off peak hours. Additionally, the storage tank would provide a source of water in the event of a well, a pump, or generator failure, or brown out, and would provide additional time for system troubleshooting and repairs without the need for emergency actions. Most of the water production would occur during off peak hours.

The proposed project improvements would not substantially increase water use at the water tank site. No new water supply entitlements, expanded entitlements or facilities would be required. As such no additional water beyond that is currently pumped and used by MVWC would be expected.

f, g) **Less Than Significant Impact.** The proposed project would generate waste from temporary construction activities. Construction related solid waste would be required to be properly disposed of, or recycled at the Fairmead Landfill in compliance with state and local statutory requirements and regulations. Any hazardous materials used during construction would be required to be properly disposed of in accordance with federal, state and local agencies. Operations and maintenance of the water tank facility would be expected to generate minimal quantities of solid waste. Due to operational capacity and life expectancy of the Fairmead Landfill, the proposed project would be served by a landfill with sufficient permitted capacity. The project would not constitute a significant impact on the available landfill capacity.

Mitigation Measures:

Compliance with mitigation measures identified throughout all resource issues discussed within this document (Mitigation Measures 1 through 8) would ensure that potential environmental effects resulting from the construction and operation of the proposed project would be reduced to a less than significant as discussed under questions b) and c) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☑	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☑	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☑	☐	☐

Response Checklist Questions:

a) **Less Than Significant with Mitigation Incorporated.** Potential project affects to the habitat of plant and wildlife species and communities are addressed in the Biological Resources subsection of this document. The project does have the potential to impact the mountain plover, loggerhead shrike and other nesting and migratory birds that may nest in the adjacent orchard. The project site does provide suitable habitat for burrowing owl; therefore, the proposed project improvements has the potential to impact burrowing owls that may be present on-site or on surrounding lands. Mitigation measures (Mitigation Measures 1 through 2) have been identified to address potential biological related resources and would reduce the potential impacts to a less than significant level.

The project may also result in the disturbance of previously unknown subsurface cultural resources that may exist within or in the vicinity of the project site and are addressed in the Cultural Resources subsection of this document. Mitigation measures (Mitigation Measures 3 and 4) have been identified to address potential cultural resources would reduce the potential impacts to a less than significant level.

b) **Less Than Significant with Mitigation Incorporated.** The project does have the potential to significantly impact the environment, but these impacts, in addition to being fully mitigated, are primarily related to construction and are therefore short-term and temporary. Long-term operation impacts of the proposed project are minimal and existing laws, ordinances and regulations exist to ensure that compliance with statutory and regulatory standards is maintained through the operational life of the project. These impacts, construction related and operational, are therefore not cumulatively considerable when viewed in connection with the effects of past, present or probable future projects.

Where applicable, this document identifies mitigation measures by individual resource area as relevant to potential environmental impacts resulting from implementation of the proposed project. Impacts resulting from project related improvements are therefore considered less than significant with incorporation of Mitigation Measures 1 through 8 previously identified in this document.

c) **Less Than Significant with Mitigation Incorporated.** Implementation of the proposed project improvements would have the potential to significantly impact the environment through adverse effects on human beings. Compliance with Mitigation Measures 1 and 2 would reduce impacts to biological resources to less than significant levels. Compliance with Mitigation Measures 3 and 4 would reduce potential impacts related to cultural resources to less than significant levels.

Compliance with Mitigation Measure 5 would reduce exposing people or structures to potential project risks related to ground movement or failure to a less than significant level. Compliance with Mitigation Measure 6 would ensure that potential project impacts within, and adjacent to, the delineated flood hazard area of Schmidt Creek would be reduced to a less than significant level. Compliance with Mitigation Measures 7 and 8 would reduce the exposure of people to construction related noise levels to less than significant level. Therefore, impacts resulting from implementing the proposed project are considered less than significant with mitigation measures incorporated.

Mitigation Measures:

Compliance with Mitigation Measures 1 and 2 previously identified in this document would ensure that potential construction impacts to nesting and / or migratory birds and burrowing owls would be reduced to a less than significant level.

Compliance with Mitigation Measures 3 and 4 previously identified in this document would ensure that potential impacts to cultural resources resulting from construction and implementation of the proposed project improvements would be reduced to a less than significant level.

Compliance with Mitigation Measure 5 previously indentified in this document would ensure that potential geological impacts would be reduced to a less than significant level.

Compliance with Mitigation Measure 6 previously identified in this document would ensure that potential flood impacts to the project and to property and people downstream of the project would be reduced to a less than significant level.

Compliance with Mitigation Measures 7 and 8 previously identified in this document would ensure construction related noise impacts to Crossroads Christian School and to Grace Community Church would be reduced to a less than significant level.

REPORT PREPARATION

COUNTY OF MADERA

Name, Title

Name, Title

MADERA COUNTY WATER COMPANY

Michael Giersch, P.E., (Giersch & Associates, Inc.) Project Engineer

TOWNE PLANNING & ENVIRONMENTAL

Thomas Skinner, Principal Planner

Gary Conte, AICP, Senior Planner

Jacob Skinner, Associate Planner

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MITIGATED NEGATIVE DECLARATION MND 2015-14

RE: Madera Valley Water - Project - Prj #2015-005 - Madera (036-140-059-000)

LOCATION AND DESCRIPTION OF PROJECT:

Located less than one-quarter (1/4) mile north of the City of Madera, the MVWC's 1,300 acre (2.25± square miles) service area encompasses 14 subdivisions with a total of 2,061 developable parcels, which is the maximum number of customers or shareholders available by the MVWC under its current organization. The company currently serves 1,896 customers within its service area with potable water drawn from seven wells located within, as well as outside, its service area. Build-out of all remaining developable parcels in the MVWC service area could potentially add 165 new water connections maximizing the number of service customers available to the MVWC. [Figure 1 Madera Valley Water Company Service Area provides an aerial view of the MVWC service area.]

MVWC's current water supply network of seven (7) wells all discharge into a single pressure zone with a capacity of 8,000 gallons per minute (gpm). MVWC's current water supply and distribution system does not include water storage facilities; nor does MVWC's water system provide a connection to another water system. Since MVWC's system presently does not include storage facilities or a connection to another public system, MVWC's wells must be able to provide enough water to meet customer peak day and peak hour demands, and State fire flow demands.

Currently, MVWC's seven wells must continually operate to meet and supply the average daily demand and the peak flow demands on a 24 hour basis. State regulations require that enough wells be operational to supply the peak day and peak hour demands, and fire flow requirements with the largest well out of service. Typically, MVWC's average usage is less than 2,900 gpm. MVWC's water system requires well capacity up to 4,500 gpm to meet the peak demands and fire flow requirements.

Because the system is always consuming energy, pumping of wells during peak and partial-peak energy rate periods account for 39 percent of the energy cost but only supplies 20 percent of the water demand. The greatest energy rate increases have occurred during peak energy usage between 12 noon and 6 pm. In the last 10 years, MVWC's annual energy cost has increased 61 percent.

An elevated water storage tank would provide flexibility to the MVWC water supply and distribution system, and allow MVWC operators to determine when the wells would operate to store water for peak water demand usage. With the addition of the gravity storage tank, 14 percent of the water needed to meet peak water demand usage would be pumped during the off-peak energy rate period and 6 percent would be pumped during the partial-peak energy rate period. The

20 percent of daily water usage occurring during peak and partial-peak hours would be supplied by the tank and then restored during partial-peak and off-peak energy rate periods.

ENVIRONMENTAL IMPACT:

No adverse environmental impact is anticipated from this project. The following mitigation measures are included to avoid any potential impacts.

BASIS FOR NEGATIVE DECLARATION:

1. A pre-construction survey shall be conducted for all nesting birds by a qualified biologist within 30 days of the onset of any project improvement activity (i.e., land clearing, grubbing, scrapping, excavation, land leveling, grading, cut and fill, vegetation removal or demolition) should such activities commence during the breeding season (February 1 through August 31). The survey shall be conducted on and adjacent to the project site where feasible for active raptor and migratory bird nests.

   Should any active nest be discovered, the biologist shall consult with California Department of Fish and Wildlife (CDFW) to identify a suitable construction -free buffer around the nest. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the end of the breeding season, or until a qualified biologist determines that all young have fledged and are no longer reliant on the nest or parental care for survival.

   If no active nests are found during the nesting season, the biologist shall provide the Madera Valley Water Company (MVWC) and the County of Madera with a report identifying the survey protocol and summarizing the results. This report shall be retained by MVWC as well as on the project site by the project contractor so that if CDFW inquires about possible impacts to nesting raptors and or migratory birds, the report would be available for CDFW review.

2. A pre-construction survey shall be conducted by a qualified biologist for burrowing owls within 14 days of the onset of project construction. The survey shall be conducted to the methods described in the California Department of Fish and Wildlife's (CDFW) Staff Report on Burrowing Owl Mitigation and include all suitable habitat on-site as well as off-site within 500 feet of the project site perimeter.

   If a pre-construction survey is undertaken during the breeding season (February1 through August 31), the survey shall locate active nest burrows within or near the construction zones, these nests and an appropriate buffer around (as determined by a qualified biologist) would remain off-limits to

construction until the breeding season is over, unless otherwise arranged with CDFW. The buffer area shall be enclosed with temporary fencing to prevent the entry of construction equipment and workers. After the breeding season (i.e., once all young have left the nest), passive relocation of any remaining owls may take place as described below.

During the non-breeding season (September 1 through January 31), resident owls may be relocated to an alternative habitat. The relocation of resident owls must be according to a relocation plan prepared by a qualified biologist. Passive relocation would be the preferred method of relocation. The relocation plan must provide for the owl's relocation to nearby lands possessing available nesting and foraging habitat.

3. In the event an archeological resource is discovered during construction activities, all construction activity shall immediately cease and the Madera Valley Water Company and the Madera County Planning Department shall be notified. Madera Valley Water Company (MVWC) shall retain a qualified cultural resources specialist to perform necessary investigation(s) to determine the significance of the find and identify measure(s) to address the find (e.g., avoidance, preservation in place, excavation, documentation, curation). If the cultural resource find is determined to be of possible Native American artifact, the local Native American Tribe contact as identified by the Native American Heritage Commission shall be contacted and consulted with identifying and preserving the artifact(s). MVWC shall implement prescribed measures deemed appropriate by the cultural resources specialist for recordation and/ or protection of the cultural resources.

4. In the event human remains are discovered during construction activities, all construction activity shall immediately cease and the Madera County Sheriff - Coroner Office shall be contacted in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.8 of the California Public Resources Code. If human remains are determined to be of possible Native American descent, the coroner shall notify the Native American Heritage Commission, who will appoint a Most Likely Descendent, and the procedures outlined in California Code of Regulations Section 15064.5(d) shall be followed.

5. Project design, structural plans and specifications, and site improvement plans shall incorporate and comply with recommendations specified by the March 20, 2014 Geotechnical Engineering Investigation for the Proposed 1.5 Million Gallon Pedestal Type Water Storage Tank, Northeast of the Intersection of Road 26 and Honda Road, Madera County, California (Project Number E95401.01).

6. Madera Valley Water Company shall apply for a Letter of Map Revision / Letter of Map Amendment and submit a hydraulic base floodplain evaluation study and assessment of floodplain risk in accordance with the United States, Department of Homeland Security, Federal Emergency Management Agency (FEMA) and obtain approval from FEMA prior to commencement of any project grading or construction activity.

7. All earthwork, construction and coating (e.g., paint) activities, with the exception of heavy equipment and material delivery and removal, water tank site access road realignment, extension Moore Twining Associates, Inc., and improvements, pile driving, if required, shall be limited to the hours between 7 am and 7 pm, Monday through Friday and between 9 am and 5 pm on Saturdays. Delivery and removal of heavy equipment or materials shall be limited to the hours between 7 am and 8 am or between 3 pm and 7 pm, Monday through Friday, and between 9 am and 5 pm on Saturdays. All earthwork and construction activities required of the realignment, extension or improvement to the water tank site (Madera County Assessor Parcel Number 036-140-060) access road shall be limited to the hours between 7 am and 8 am or between 3 pm and 7 pm, Monday through Friday, and between 9 am and 5 pm on Saturdays. Pile driving, if required, shall be limited to the hours between 8 am and 5 pm, Monday through Friday.

8. Stationary construction equipment (i.e., compressor, generator, mixer) and heavy equipment or material staging areas shall be limited to the Madera Valley Water Company water storage tank site (Madera County Assessor Parcel Number 036-140-060). If a stationary noise source must be placed within 150 feet of the Grace Community Church sanctuary or residence, or that of a Crossroad Christian School classroom, the equipment shall be equipped with noise reducing engine housing and the line of sight between such sources and noise sensitive sources (sanctuary, residence, classroom) shall be blocked by portable acoustical barriers.

9. Compliance with mitigation measures identified throughout all resource issues discussed within this document (Mitigation Measures 1 through 8) would ensure that potential environmental effects resulting from the construction and operation of the proposed project would be reduced to a less that significant as discussed under questions b) and c) above.

_____
Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 2037 West Cleveland Avenue, Madera, California.

DATED: July 24, 2015
FILED:
PROJECT APPROVED:

Exhibit M:

Airport Land Use Commission (ALUC) Meeting of September 29, 2015

MADERA COUNTY AIRPORT LAND USE COMMISSION
AGENDA

ALL PERSONS REQUESTING DISABILITY- RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES MAY CONTACT THE COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION AT (559) 675-7821, 72 HOURS PRIOR TO THE PUBLIC MEETING.

REGULAR MEETING

TIME: **6:30 p.m., Tuesday, September 29, 2015**

PLACE: **1st Floor Board of Supervisors Hearing Room, Madera County Government Center, 200 West Fourth Street, Madera, California**

Chairman Ross Thornton

Vice Chairman John Reed	Commissioner Larry Pistoresi
Commissioner Luis Ceja	Commissioner Thomas Hurst
Commissioner Donald Horal	Commissioner Ralph Tonseth

All persons wishing to give testimony on quasi judicial items (noted with an *) must sign an oath as supplied by the Planning Commission Secretary.

CALL TO ORDER

INTRODUCTION OF STAFF

TURN OFF ALL CELL PHONES

BUSINESS

Supporting documents relating to the items on this agenda that are not listed as "Closed Session" are available through the Madera County Planning Division website at http://madera-county.com/index.php/planning-home. The documents are also available at the Community and Economic Development Department - Planning Division, 200 West Fourth Street, Madera, CA 93637. Please note that supporting documents may be submitted after the posting of the agenda; please visit the website or the Planning Division for updates.

REQUEST FOR COMMENTS FROM THE AUDIENCE

This portion of the meeting is set aside for members of the public to comment on any item within the jurisdiction of the Commission, but not appearing on the agenda. Items presented under public comment may not be discussed or acted upon by the Commission at this time. For items appearing on the agenda, the public is invited to comment at the time the item is called for

consideration by the Commission. Any person addressing the Commission under public comment will be limited to a 3 minute presentation to insure that all interested parties have an opportunity to speak. Also, all persons addressing the Commission must state their name and County of residence for the record.

ALL MATTERS LISTED UNDER CONSENT CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION.

CONSENT CALENDAR

Approval of the agenda.

Approval of the minutes of September 1, 2015

PUBLIC HEARINGS:

1. COUNTY OF MADERA – AIRPORT LAND USE COMMISSION COMPATIBILTY PLAN (ALUC #2015-002)

County of Madera is requesting a comprehensive update of the Madera County Airport Land Use Compatibility Plan (ALUC #2015-002). Draft Negative Declarations (ND #2015-15 & ND #2015-16) have been prepared for the Chowchilla Municipal Airport and the Madera Municipal Airport concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA).

AIRPORT LAND USE COMMISSION COMMENTS:

PLANNING DIRECTOR COMMENTS:

TENTATIVE MEETING DATES AND LOCATIONS:

ADJOURN:

Community and Economic Development
Planning Division

Matthew Treber MT
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

AIRPORT LAND USE COMMISSION DATE: **September 29, 2015**

AGENDA ITEM: **#1**

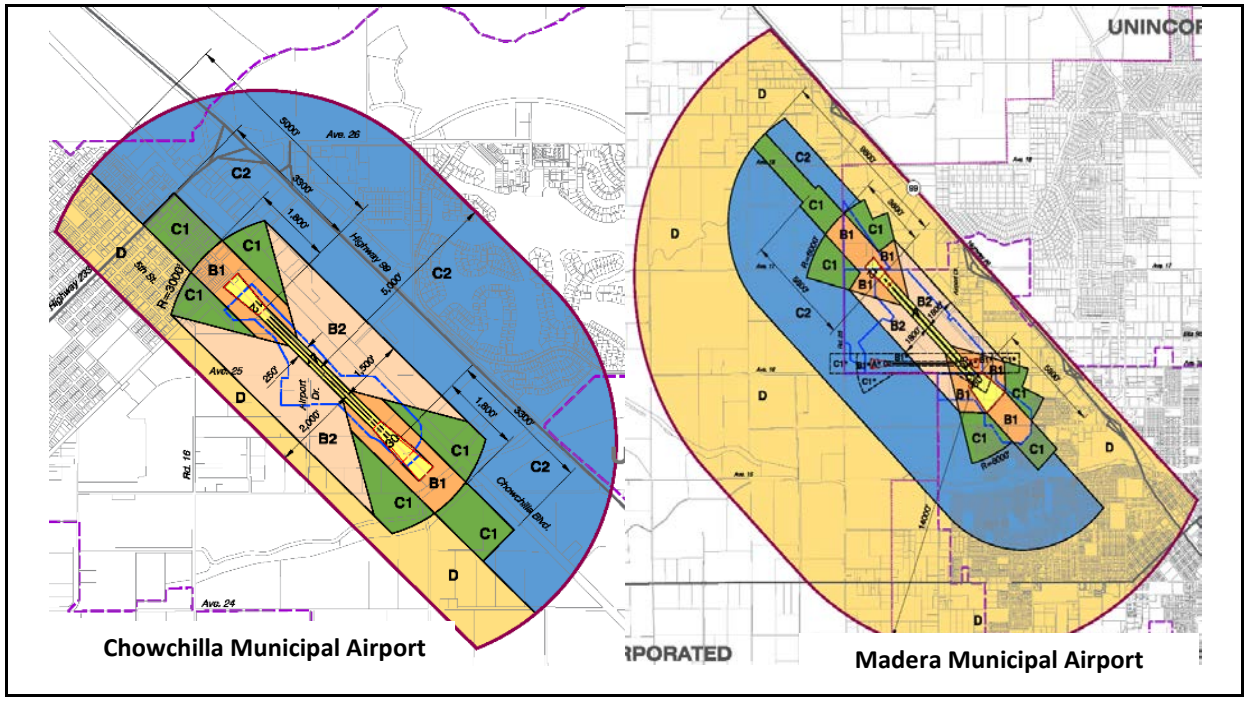
ALUC	**#2014-001**	**Airport Land Use Compatibility Plan Update**
APN	**Countywide**	
CEQA	**ND #2015-15 & 16**	**Negative Declaration**

REQUEST:

The Airport Land Use Commission staff is recommending the adoption of a comprehensive update of the Madera County Airport Land Use Compatibility Plan which contains the individual Compatibility Plans for each of the public-use airports in Madera County: Chowchilla Municipal Airport and Madera Municipal Airport.

LOCATION:

The Airport Land Use Compatibility Plan (ALUCP) is a countywide document.



ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2015-15 & #2015-16) has been prepared for each of the proposed ALUCP for Madera Municipal Airport and Chowchilla Municipal Airport and is subject to approval by the Airport Land Use Commission.

RECOMMENDATION:

Approval of the Airport Land Use Compatibility Plan (Exhibit A), and Negative Declarations (ND 2015-15 and 2015-16) (Exhibits B and C).

GENERAL PLAN DESIGNATION:
SITE: Countywide

ZONING:
SITE: Countywide

LAND USE:
SITE: Countywide

SIZE OF PROPERTY: Countywide

BACKGROUND AND PRIOR ACTIONS:

The creation of Airport Land Use Commissions (ALUCs) and the preparation of Airport Land Use Compatibility Plans (ALUCPs) are requirements of the California State Aeronautics Act. Provisions for creation of ALUCs were first established under state law in 1967. With limited exceptions, an ALUC is required in every county in the state. Furthermore, an ALUCP is required for each public-use and military airport in the state even in instances where an ALUC is not established.

The fundamental purpose of ALUCs is to promote land use compatibility around airports. The statutes give ALUCs three principal powers by which to accomplish this objective:

1. ALUCs must prepare and adopt an ALUCP;

2. ALUCs must review the general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies for consistency with the policies and criteria in the ALUCP; and

3. ALUCs must review airport operators' proposed master plans and other airport development plans to determine if those plans are consistent with the ALUCP or if modifications should be made to the ALUCP to reflect current airport planning.

The Madera County Planning Commission plus two aviation experts function as the Madera County Airport Land Use Commission (ALUC). The Madera County Planning Director serves as the ALUC secretary with support from department staff.

The ALUC is responsible for preparing and adopting the ALUCP for Chowchilla and Madera Municipal Airports. The proposed ALUCP will replace an earlier plan—Airport Land Use Compatibility Plan, Madera County Airports—which the ALUC adopted for the airports in 1993.

PROJECT DESCRIPTION:

The planning services of Mead & Hunt were retained to assist ALUC staff with the ALUCP update. Mead & Hunt's original proposal anticipated a 16-month project schedule with an adoption date of September 2015. The comprehensive update to the 1993 ALUCP officially initiated September 12, 2014.

A Technical Advisory Group was established specifically for the ALUCP update project. The group's primary membership consisted of representatives from the Madera

County/ALUC staff, representatives from each of the two public-use airports covered by this plan (Chowchilla Municipal and Madera Municipal Airports), and planning staff from the Cities of Chowchilla and Madera.

The Technical Advisory Group assisted with providing airport and land use data, reviewing discussion papers and draft materials, and providing technical input for consideration in the administrative draft plan. Additionally, the group was charged with keeping their respective local jurisdictions informed of the ALUCP Update progress.

The TAG was provided with the following working papers on April 21, 2015:

- Working Paper #1 Policy Format Options
- Working Paper #2 Policy Review
- Working Paper #3 Background Data
- Working Paper #4 Draft Zone Criteria

These documents make up the formation of the ALUCP policies format, review process and the draft zones and criteria which all were rolled into the final ALUCP. The TAG received the final ALUCP Policies on July 2, 2015 which were ultimately folded into the final ALUCP which is before the Airport Land Use Commission for a workshop, and ultimately for adoption on September 29, 2015.

The two airports addressed by the proposed ALUCP are both public-use general aviation facilities. In accordance with state law, the current and planned physical features and operational characteristics of each airport having implications for land use compatibility have been taken into account in the preparation of this ALUCP. The current Airport Layout Plans for each airport show airport development proposals not reflected in the adopted 1993 ALUCP.

The 2009 Airport Layout Plan for Chowchilla Municipal Airport shows a proposal to extend the runway 572-feet to the southeast for a future runway length of 3,825 feet. A future nonprecision approach with 1-mile visibility minimums to Runway 30 is also proposed. The future runway extension will provide additional runway length for takeoffs to the north, thereby allowing aircraft to reach higher altitudes above populated areas such as the residential neighborhoods which exist approximately 0.25 miles north of the airport. The proposal also includes a 572-foot displaced landing threshold for Runway 30, which means that aircraft landing on Runway 30 would have 3,250 feet available, approximately the existing runway length, rather than the full extended length of 3,825 feet.

The most current Airport Master Plan for Madera Municipal Airport was prepared in 1993. The City is in the midst of updating its Airport Layout Plan drawing. The draft 2014 Airport Layout Plan is pending FAA approval in late 2015. The principal proposed facility improvements reflected on the draft 2014 Airport Layout Plan include:

- An 850-foot southeasterly extension and 606-foot northwesterly extension of Runway 12/30.
- Future abandonment of Runway 8/26 when the agricultural aerial applicator lease expires in 2019.
- With the anticipated closure of Runway 8/26, much of the area west of Runway 12/30 is proposed for future airport-compatible commercial and industrial development.

As required by California state law, the California Airport Land Use Planning Handbook (Handbook) published by Caltrans Division of Aeronautics in October 2011 provides

guidance for the compatibility policies set forth in the proposed ALUCP. The Handbook was used both to structure and define compatibility criteria and to establish the procedures to be followed by the ALUC and local agencies in implementation of the criteria. The principal differences between the 1993 ALUCP and the proposed ALUCP include:

- Acknowledges that the Planning Commission plus two members with aviation expertise function as the ALUC for Madera County
- Specifies how the ALUC and affected local agencies (e.g., County, Cities, School Districts) are to use the ALUCP.
- Authorizes the ALUC Secretary to make certain consistency determination on behalf of the ALUC to streamline reviews of parcel-based land use proposals (e.g., zoning amendments). An appeal process is also provided.
- Replaces the general compatibility criteria table with a detailed land use matrix to facilitate implementation at the local agency level. The matrix categorizes each land use category as compatible, incompatible or conditionally compatible with restrictions.
- Define process for reviewing proposed reconstruction versus redevelopment projects.
- Define process for reviewing mixed-use projects.
- Provide good narrative with examples on how to measure intensity.
- Provide criteria for allowing special exceptions, open land requirement and clustering development.
- Compatibility zones for both airports increase to reflect the proposed runway extensions.
- Restrictions within the Runway Protection Zones become more stringent in accordance with the Handbook safety criteria
- Restrictions on residential uses in Zone C1 (previously Zone B2) become more stringent in accordance with the Handbook safety criteria. Special exceptions will be provided for several affected parcels which have received certain development entitlements and to offset the potential impacts of the ALUCP on the City of Madera's General Plan.
- Removes restrictions on residential uses in Zone C2 (previously Zone C) in accordance with the Handbook safety criteria.
- Allows more intensive nonresidential development in Zones C1 and C2 in accordance with the Handbook safety criteria.

The proposed ALUCP is organized into five chapters and a set of appendices. The introductory chapter sets the overall context of airport land use compatibility planning in general and for Madera County in particular. Chapters 2 and 3 present ALUC procedural policies and compatibility policies applicable uniformly to each airport. Chapters 4 and 5 present airport and land use background information regarding each of the airports in alphabetical sequence.

Once the ALUC adopts the proposed ALUCP, state law requires that each county and city affected by the ALUCP make its general plan and any applicable specific plans consistent with the ALUC's compatibility plan. The law says that the local agency must take this action within 180 days of when the ALUC adopts or amends its plan. Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code to overrule the ALUC policies.

ORDINANCES/POLICIES:

Countywide

ANALYSIS:

Although the individual ALUCPs for Chowchilla and Madera Municipal Airports are bound into one document, the ALUC will need to take two individual actions to adopt the ALUCP for each airport. As such, in accordance with the California Environmental Quality Act (CEQA), an Initial Study and Negative Declaration were prepared for each airport covered by the proposed Madera Countywide ALUCP.

The proposed ALUCP is regulatory in nature (PUC Section 21674, 21675 and 21675.1), and neither the project—the adoption of the ALUCP—nor its subsequent implementation by local agencies will lead to any new development, construction or any physical change to existing land uses or the environment. No environmental categories would be affected by this project to the extent of having a "Potentially Significant Impact." Several environmental impact categories, "Land Use/Land Use Planning," "Public Services" and/or "Population/Housing" were identified as having a "Less than Significant Impact."

As described in the Initial Studies, the general plan policies and land use maps for the County of Madera and the Cities of Chowchilla and Madera were reviewed for consistency with the proposed ALUCP. The Initial Studies determined that while no direct conflicts exist between the general plan policies and the proposed ALUCP policies, the County and Cities will each be required to update the compatibility information contained in its respective land use plans to reflect the proposed ALUCP.

The Initial Study for the Madera Municipal ALUCP also determined that several planned residential land use designations shown in the County's and City of Madera's general plan maps directly conflict with the proposed ALUCP density criteria. A housing displacement analysis was conducted to determine if the County and City could satisfy their shares of the regional housing needs if the proposed ALUCP were adopted. The analysis found that while there was a potential for displacing future housing units within potions of the Airport Influence Area, the displacement of future housing was deemed to be less than significant because the amount of displacement was negligible, the housing units could be accommodated in other areas of the Airport Influence Area and the County and City could fulfill their obligations associated with the Regional Housing Needs Allocation.

Lastly, the adoption and implementation of the proposed ALUCP would create a temporary increase in the staff workloads of affected land use jurisdictions as a result of the state requirement to modify local general plans for consistency with the ALUCP. However, this effect would be temporary. Over the long term, the procedural policies included in the ALUCP are intended to simplify and clarify the ALUC project review process and thus reduce workload for ALUC and local agency planning staff members.

Based on the CEQA analyses performed, adoption and implementation of the proposed ALUCP will not create a potentially significant effect on the environment.

The proposed ALUCP and CEQA documents were circulated through the State Clearinghouse for a 30-day review period starting on July 29, 2015. An ALUC and public workshop was held on August 4, 2015.

GENERAL PLAN CONSISTENCY:

State law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the new ALUCP once adopted by the ALUC. Staff has prepared site exemptions for specific properties to eliminate any inconsistency between the City of Madera General

Plan and the ALUCP; those are shown in Chapter 3 of the ALUCP. Staff is also recommending that the ALUC find the City of Madera General Plan consistent with the ALUCP with the condition that the City of Madera references the 2015 ALUCP in the Madera General Plan.

RECOMMENDATION:

The analysis provided in this report supports approval of Negative Declaration ND #2015-15 and ND #2015-16 as presented. Potential revisions to the ALUCP may result from comments received during the public review period.

ATTACHMENTS:

1. Exhibit A, Initial Study/Negative Declaration for Madera Municipal Airport
2. Exhibit B, Initial Study/Negative Declaration for Chowchilla Municipal Airport
3 Exhibit C, Redline Excerpt of ALUCP Addressing Comments
4. Exhibit D, Comment Letters
5. Exhibit E, Response to Comments

CEQA INITIAL STUDY AND NEGATIVE DECLARATION

Madera Municipal Airport
Land Use Compatibility Plan

Prepared for

Madera County

Airport Land Use Commission

200 W. 4th Street, Suite 3100

Madera, California 93637

Prepared by

Mead & Hunt, Inc.

Santa Rosa, California

www.meadhunt.com

July 2015 Draft

INITIAL STUDY

1.	***Project Title:***	Madera Municipal Airport Land Use Compatibility Plan
2.	***Lead Agency Name and Address:***	Madera County Airport Land Use Commission 200 W. 4th Street, Suite 3100 Madera, California 93637
3.	***Contact Person and Telephone:***	Matt Treber, Deputy Director County of Madera Planning Department (559.675.7821)
4.	***Project Location:***	Madera Municipal Airport and the surrounding area, including the City of Madera and unincorporated area of Madera County (See **Exhibit A**)
5.	***Project Sponsor's Name and Address:***	Madera County Airport Land Use Commission 200 W. 4th Street, Suite 3100 Madera, California 93637
6.	***General Plan Designation(s):***	Various
7.	***Zoning Designation(s):***	Various

8. Description of Proposed Project:

The creation of airport land use commissions and preparation of compatibility plans for public-use airports are requirements of the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq*.). The Madera County Planning Commission plus two members with aviation expertise is designated as the Madera County Airport Land Use Commission (ALUC) for two public-use airports in Madera County: Chowchilla Municipal Airport and Madera Municipal Airport. The proposed project is the adoption of the Madera Countywide Airport Land Use Compatibility Plan (ALUCP), which contains the individual ALUCP for Madera Municipal Airport. The objective of the proposed ALUCP is two-fold:

- To meet California legislative mandate to prepare and adopt an ALUCP pursuant to the requirements of PUC Section 21675;
- Adopt an ALUCP for Madera Municipal Airport that will protect public health, safety, and welfare by ensuring the orderly expansion of the airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards (PUC Section 21670(a)).

The proposed ALUCP will replace the existing ALUCP for Madera Municipal Airport adopted by the ALUC in 1993. A copy of the proposed ALUCP for Madera County, which includes the Madera Municipal ALUCP, is presented as **Attachment A** to this Initial Study.

In accordance with PUC Section 21674.7, the proposed ALUCP for the Madera Municipal Airport was guided by the *California Airport Land Use Planning Handbook* published by the California Department of Transportation (Caltrans), Division of Aeronautics, in October 2011. The proposed ALUCP reflects the anticipated growth of the Airport for the next 20 years as required by PUC Section 21675(a). The ALUCP was developed in coordination with ALUC staff and planning and airport staff members from the County of Madera and City of Madera.

Geographic Scope

The proposed ALUCP defines the Airport Influence Area as the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. As defined by the ALUC, the proposed Airport Influence Area boundary extends approximately 2.5 statute miles beyond the airport's runway ends and encompasses lands within the City of Madera and unincorporated areas of Madera County (see **Exhibit A**).

This ALUCP for Madera Municipal Airport is based on data presented in the draft Madera Municipal Airport Layout Plan drawing approved by the City in 2014. The airport layout plan reflects several proposed airfield improvements including a future 850-foot southerly extension and 606-foot northwesterly extension of Runway 12-30 for an ultimate runway length of 7,000 feet. The draft 2014 Airport Layout Plan also shows future abandonment of Runway 8-26 when the agricultural aerial applicator lease expires in 2019. With the future closure of Runway 8-26, much of the airport property west of Runway 12-30 will be reserved for nonaviation-related development. The ALUCP also reflects a 20-year forecast of 100,000 annual aircraft operations, which represents a doubling of existing operations.

Function of ALUCP

The basic function of the proposed ALUCP is to promote compatibility between the airport and the land uses in its vicinity to the extent that these areas have not already been devoted to incompatible uses. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to future development around the airport. Additionally, the ALUCP serves as a tool for use by the ALUC in fulfilling its statutory duty to review plans, regulations, and other actions of local agencies and airport operators for consistency with the ALUCP criteria. Neither the ALUCP nor the ALUC will have authority over existing land uses or over the operation of the airport or over state, federal, or tribal lands. The ALUCP also does not prohibit the construction of a single-family home on a legal lot of record if the use is permitted by local land use regulations.

The County of Madera has land use authority over unincorporated areas within the Airport Influence Area, and the City of Madera has land use authority over portions of the Airport Influence Area within its limits and sphere of influence. Each agency is expected to incorporate certain criteria and procedural policies from the proposed ALUCP into its general plan and zoning ordinances to ensure that future land use development will be compatible with the long-term operation of the Madera

Municipal Airport. Each agency also has the option of overruling the ALUC in accordance with the steps defined by state law (PUC Section 21676).

9. Surrounding Land Uses and Setting

Madera Municipal Airport is located in the heart of the San Joaquin Valley, approximately 30 miles north of the City of Fresno. The City of Madera is located in southwestern Madera County and is a gateway to Yosemite National Park, which lies 115 miles to the northeast.

Existing development immediately surrounding the airport includes a mixture of agricultural, industrial, and recreational uses. The Madera Municipal Golf Course is located immediately west of the Airport. West of the golf course and immediately north and south of the airport are agricultural uses. Immediately east of the Airport is vacant land and industrial uses, including manufacturing, distribution facilities, and supply centers. Agricultural uses currently underlie the approaches to the primary runway (Runway 12-30). The southern end of the Madera Golf Course underlies the approach to Runway 8. The land immediately east of the approach end of Runway 26 is currently vacant with a mobile home park one-half mile east of the end of the runway.

The City of Madera 2009 General Plan designates future land uses within and around the Madera Municipal Airport. The City designates most of the land within the Airport boundary as Other Public-Semi Public and designates the east side of the Airport property as Industrial, Office, and Commercial. Immediately west of the Airport, the City designates the Municipal Golf Course as Open Space, as well as the land underlying the approaches to Runways 12 (northwest), Runway 30 (southeast), and Runway 8 (west). Resource Conservation/Agriculture is planned immediately east of the approach end of Runway 26. Within the City's sphere of influence, the City designates the land immediately west of the golf course and immediately north and south of the Airport boundary as Village Reserve.

The Madera County General Plan designates the unincorporated areas south and west of the Airport as Agriculture Exclusive and the unincorporated area to the north as Agriculture, Rural Residential, and Light Industrial.

10. Other Public Agencies Whose Approval Is Required:

Although input from various entities is necessary, the ALUC can adopt the proposed ALUCP without formal approval from any other state or local agency. However, a copy of the plan must be submitted to the Caltrans Division of Aeronautics (PUC Section 21675(d)). The Division is required by state law (PUC Section 21675(e)) to assess whether the plan addresses the matters that must be included pursuant to the statutes and to notify the ALUC of any deficiencies. The statute also requires the ALUC to establish (or revise) the Airport Influence Area boundary only after "hearing and consultation with involved agencies" (PUC Section 21675(c)).

ALUCP policies can be implemented only by the local jurisdictions that have authority over land use within the Airport Influence Area; in this case, the County of Madera and the City of Madera. State statutes require an agency to make its general plan consistent with an ALUCP within 180 days of ALUC adoption or to overrule the ALUC (Government Code Section 65302.3). If a jurisdiction chooses to overrule an ALUCP, the overrule procedure requires formal findings that the jurisdiction's action is

consistent with the intent of the state airport land use compatibility planning statutes and action by a two-thirds vote of the jurisdiction's governing body (PUC Section 21676).

11. Summary of Potential Environmental Effects:

In accordance with CEQA, the purpose of this Initial Study is to inform decision makers and the public about the potential environmental impacts of the proposed project—the adoption and subsequent implementation of the proposed ALUCP—and to reduce those environmental impacts to the extent feasible. The outcome of the Initial Study is to determine what type of environmental document—a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report—is required of the proposed project.

The proposed ALUCP is regulatory in nature (PUC Section 21674, 21675 and 21675.1), and neither the project—the adoption of the ALUCP—nor its subsequent implementation by local agencies will lead to any new development, construction or any physical change to existing land uses or the environment.

The proposed ALUCP does not prohibit future development in the vicinity of the airport, but rather would affect where and what type of development could occur within the Airport Influence Area. The proposed ALUCP seeks to guide the compatibility of future land uses by limiting the density, intensity, and height of new uses so as to avoid potential conflicts with aircraft operations and to preserve the safety of those living and working around the Airport as well as of those in flight. Therefore, the proposed ALUCP may indirectly influence future land use development patterns in the vicinity of Madera Municipal Airport by enabling development in some locations and constraining development in other locations.

Although policies in the ALUCP would influence future land use development patterns within the Airport Influence Area, the proposed ALUCP would not increase levels of development above those projected within the affected agencies' local planning documents (e.g., general plans). The environmental effects of development proposed by local general plans have already been adequately analyzed in previously certified environmental documentation and the City and County have adopted policies and/or mitigation measures that would reduce these environmental effects. Additionally, any future development proposals would be subject to CEQA, ensuring that potential impacts are studied, disclosed, and mitigated as appropriate.

Lastly, it is speculative to anticipate the specific characteristics or locations to which "displaced" future development might be moved or what the alternative uses might be for the sites from which the displacement occurs. Any indirect effect that may arise from shifts in future development patterns is uncertain because potential shifts cannot be accurately predicted as to when, where, or to what extent the development may occur. The environmental impacts of such shifts or "displacement" are speculative and, therefore, are reasonably considered to be less than significant for purposes of this CEQA analysis (Title 14. California Code of Regulations, Chapter 3, Article 10, §15145.). This finding of less than significant is further supported by the fact that state law (Government Code 65302.3) requires a local agency to amend its general plan and any applicable specific plan to be consistent with the ALUCP. Therefore, any conflicts identified in the Initial Study would be alleviated by the local agency amending the applicable plan to be consistent with the ALUCP or, alternatively, overruling the

ALUC by adopting findings pursuant to PUC Section 21676. These actions are the responsibility and purview of the local agency, not the ALUC.

For the reasons stated above, the proposed ALUCP would not result in any direct impacts to the following environmental categories: Aesthetics, Agriculture/Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils/Seismicity, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology/Water Quality, Mineral Resources, Noise, Recreation, Transportation/Traffic, and Utilities/Services Systems.

No environmental categories would be affected by this project to the extent of having a "Potentially Significant Impact." However, three environmental impact categories, "Land Use/Land Use Planning", "Population/Housing", and "Public Services" were identified as having a "Less than Significant Impact." Appropriate discussions are provided for other impact categories that warrant some explanation.

As described in Section 10, the general plan policies and land use maps for the County of Madera and the City of Madera were reviewed for consistency with the proposed ALUCP. **Exhibits 10A** and **10B** contained in Section 10 summarize the consistency review. The analysis is based on the land use information provided in the Madera County General Plan (1995) and the City of Madera General Plan (2009). This Initial Study determined that while no direct conflicts exist between the general plan policies and the proposed ALUCP policies, the County and City will each be required to update the compatibility information contained in its respective land use plans to reflect the new ALUCP. The Initial Study also determined that several general plan land use designations shown in the local agencies' general plan maps directly conflict with the proposed ALUCP density criteria. Based on these findings, the County and City will be required to make minor changes to their respective general plan, specific plans, and/or implementing ordinances to be fully consistent with the ALUCP or to take action to overrule the ALUC.

As described in Section 13, a housing displacement analysis was conducted to determine if the County and City could satisfy their shares of the regional housing needs if the proposed ALUCP restricted future residential development within portions of the Airport Influence Area. The analysis found that while there was a potential for displacing future housing units within potions of the Airport Influence Area, the displacement of future housing was deemed to be less than significant because the amount of displacement was negligible, the housing units could be accommodated in other areas of the Airport Influence Area and the County and City could fulfill their obligations associated with the Regional Housing Needs Allocation.

As described in Section 14, adoption and implementation of the proposed ALUCP would create a temporary increase in the staff workloads of affected land use jurisdictions as a result of the state requirement to modify local general plans for consistency with the ALUCP. However, this effect would be temporary. Over the long term, the procedural policies included in the ALUCP are intended to simplify and clarify the ALUC project review process and thus reduce workload for ALUC and local agency planning staff members.

REFERENCES

The following references are cited in the text that follows for the Initial Study.

1. County of Madera. General Plan and General Plan Land Use Map. Adopted October 24, 1995.

2. County of Madera. 2016-2024 Housing Element Update. Public Review Draft November 20, 2014.

3. City of Madera. General Plan and Land Use Map. Adopted October 7, 2009.

4. City of Madera. 2016-2024 Housing Element. Public Review Draft April 2015.

5. State of California Department of Transportation (Caltrans) Division of Aeronautics. California Airport Land Use Planning Handbook. October 2011.

DETERMINATION

Completed By Lead Agency: Madera County Airport Land Use Commission

On the basis of this initial study:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Signature	Date
Norman Allinder, Planning Director	Madera County Airport Land Use Commission For

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

CATEGORY	Pg	**ANALYSIS SUMMARY** (See individual pages for details) *Potentially Significant Impact*	*Less than Significant Impact with Project Mitigation*	*Less than Significant Impact*	*No Impact*	*Comments* (Also see discussion above starting on page 3, Topic 11)
1. AESTHETICS	11	☐	☐	☐	☒	
2. AGRICULTURE/FORESTRY RESOURCES	12	☐	☐	☐	☒	
3. AIR QUALITY	14	☐	☐	☐	☒	
4. BIOLOGICAL RESOURCES	15	☐	☐	☐	☒	
5. CULTURAL RESOURCES	17	☐	☐	☐	☒	
6. GEOLOGY/SOILS/SEISMICITY	18	☐	☐	☐	☒	
7. GREENHOUSE GAS EMISSIONS	19	☐	☐	☐	☒	
8. HAZARDS/HAZARDOUS MATERIALS	20	☐	☐	☐	☒	e) Plan limits exposure of people to aircraft accident hazards by restricting risk-sensitive uses in airport vicinity
9. HYDROLOGY/WATER QUALITY	22	☐	☐	☐	☒	
10. LAND USE/LAND USE PLANNING	24	☐	☐	☒	☐	b) Minor modifications needed to local agency Land Use Plans.
11. MINERAL RESOURCES	32	☐	☐	☐	☒	
12. NOISE	33	☐	☐	☐	☒	e) Plan limits exposure of people to noise, but does not regulate aircraft
13. POPULATION/HOUSING	35	☐	☐	☒	☐	b) Future housing will be displaced, but at a less than significant level
14. PUBLIC SERVICES	38	☐	☐	☒	☐	a) No effect on schools; negligible effect on government staff workloads
15. RECREATION	39	☐	☐	☐	☒	
16. TRANSPORTATION/TRAFFIC	40	☐	☐	☐	☒	c) Plan does not regulate air traffic
17. UTILITIES/SERVICE SYSTEMS	42	☐	☐	☐	☒	
18. MANDATORY FINDINGS OF SIGNIFICANCE	43	☐	☐	☐	☒	b) No cumulative impacts

ENVIRONMENTAL CHECKLIST

1. Aesthetics

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☐	☒

Discussion

a – d): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of aesthetic resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction, or physical change to the environment that would directly or indirectly result in any impacts to aesthetic resources.

Mitigation

None required.

2. Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 4). The Airport Influence Area includes some areas designated for agricultural uses. The proposed ALUCP is regulatory; it does not provide for any physical change to the environment that would directly or indirectly conflict with agricultural or forestry use within the Airport Influence Area or result in their conversion to other uses.

Mitigation

None required.

3. Air Quality

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

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

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of air quality plans and sensitive receptors, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to air quality.

Mitigation

None required.

4. Biological Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of biological resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to biological resources.

f): The Madera Municipal Airport Influence Area does not fall within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation

None required.

5. Cultural Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a – d): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of cultural resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to cultural resources.

Mitigation

None required.

6. Geology, Soils, and Seismicity

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of geology, soils or seismicity, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to geology, soils or seismicity.

Mitigation

None required.

7. Greenhouse Gas Emissions

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a, b): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of greenhouse gas emission plans and policies, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to greenhouse gas emissions.

Mitigation

None required.

8. Hazards and Hazardous Materials

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

Discussion

a – d, f – h): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of hazards and hazardous materials, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to hazards and hazardous materials.

e): Pursuant to the State Aeronautics Act, the purpose of the ALUCP is to minimize the public's exposure to excessive noise and safety hazards within the airport vicinity. Therefore, adoption and implementation of the proposed ALUCP would have a beneficial impact by reducing the exposure of people within the Airport Influence Area to airport-related safety hazards including aircraft accidents.

The proposed ALUCP uses the aircraft accident risk data and safety compatibility concepts provided in the California *Airport Land Use Planning Handbook* (Caltrans, 2011) to establish airport land use compatibility zones to include areas exposed to significant safety hazards. The ALUCP also establishes safety criteria and policies that limit concentrations of people within the compatibility zones. The purpose of the policies is to minimize the risks and potential consequences associated with an off-airport aircraft accident or emergency landing. The policies consider the risks to both to people and property in the vicinity of the airport and to people on board the aircraft.

The risks of an aircraft accident occurrence is further reduced by airspace protection policies that limit the height of structures, trees, and other objects that might penetrate the airport's airspace as defined by Federal Aviation Regulations (FAR), Part 77, "Safe, Efficient Use, and Preservation of the Navigable Airspace." The airspace protection policies also restrict land use features that may generate other hazards to flight such as visual hazards (i.e., smoke, dust, steam, etc.), electronic hazards that may disrupt aircraft communications or navigation, and wildlife hazards (i.e., uses which would attract hazardous wildlife to airport environs). Therefore, no impact is anticipated as a result of the adoption and implementation of the proposed ALUCP.

Mitigation

None required.

9. Hydrology and Water Quality

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

Discussion

a – j): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of hydrology and water quality standards, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose

any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to hydrology and water quality.

Mitigation

None required.

10. Land Use and Land Use Planning

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a, c): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of communities, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in physically dividing an established community.

b) State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area, also referred to as the Airport Influence Area, to modify its general plan and any affected specific plans to be consistent with the ALUCP. The law says that the local agency must take this action within 180 days of ALUCP adoption or amendment. The only other course of action available to local agencies is to overrule the ALUC by, among other things, a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes (Public Utilities Code Section 21676(b)). A general plan does not need to be identical with an ALUCP in order to be consistent with it. To meet the consistency test, a general plan must do two things:

1. It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and

2. It must avoid direct conflicts with compatibility planning criteria.

With regard to the proposed ALUCP, the County of Madera and the City of Madera are the only two general purpose government entities having land use jurisdiction in the proposed Airport Influence Area. As such, once the ALUCP is adopted by the ALUC, these agencies will be required to amend their general plans and/or implementing ordinances to be consistent with the ALUCP or to take action to overrule the ALUC.

The general plan consistency review detailed below focuses on two types of inconsistencies:

1. Adopted general plan policies pertaining to airport land use compatibility planning that either directly conflict or need to be amended to reflect changes in the proposed ALUCP policies and maps; and
2. Land use designations provided in the adopted general plan land use map that may conflict with the ALUCP criteria.

General Plan Policies

The County of Madera's and City of Madera's adopted general plans were reviewed to identify policies that apply specifically to airports and the existing ALUCP. The applicable general plan policies are summarized in **Exhibit 10A** below.

Exhibit 10A: Summary of Adopted General Plan Policies
County of Madera
▪ County shall ensure residential land uses are separated and buffered from airports (Policy I.C.6) ▪ County shall support continued use of Chowchilla and Madera Municipal Airports as general purpose airports (Policy 2.F.1) ▪ County shall provide for adequate ground access to Chowchilla and Madera Municipal Airports in its transportation planning and improvements (Policy 2.F.2) ▪ County shall work with the ALUC in planning land uses around Chowchilla and Madera Municipal Airports to ensure protection of airport operations from urban encroachment (Policy 2.F.3) ▪ County shall prohibit development in existing Runway Protection Zones as identified in the ALUCP (Policy 2.F.4) ▪ County shall require discretionary approval of all new private landing strips and helicopter landing sites (Policy 2.F.5) ▪ County should support development of an eastern county mountain airport (Policy 2.F.6) ▪ County shall ensure that new development around airports does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards (Policy 6.D.1) ▪ County shall limit land uses in airport safety zones to those uses listed in the applicable airport comprehensive land use plans (CLUPs) as compatible uses. Exceptions shall be made only as provided for in the CLUPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise (Policy 6.D.2)
City of Madera
▪ City supports Madera Municipal Airport in its role as an important part of the local commercial economy (Policy CI-40) ▪ City shall consider compatibility criteria in the ALUCP and Airport Master Plan in reviewing potential land uses or projects. Projects shall be approved only where consistency with compatibility criteria in the ALUCP can be demonstrated (Policy HS-31) ▪ Review projects to ensure consistency with ALUCP and Master Plan at earliest possible stage of planning/entitlement process. A determination on consistency shall be made by the entity (City Council, Planning Commission, Staff) given authority to approve the project pursuant to the zoning ordinance (Action Item HS-31.1) ▪ Establish and maintain a geographic information system to identify all parcels within the airport influence area and establish a standard review checklist applicable to those projects which includes references to airport compatibility criteria (Action Item HD-31.2) ▪ City shall ensure that new development near Madera Airport is designed to protect public safety from airport operations consistent with recommendations and requirements of the ALUC, the FAA, and other responsible agencies. It shall be the City's intent to comply with all State laws related to airport land use planning (Policy HS-32)

General Plan Land Use Map

In order to attain general plan consistency with the proposed ALUCP, no direct conflicts should exist between planned land uses shown on each jurisdiction's general plan land use maps and the proposed ALUCP criteria. The compatibility zones depicted on Map MAD-3A, *Compatibility Policy Map* (see **Exhibit A**), together with the criteria listed in Table 3A, *Basic Compatibility Criteria* (see **Exhibit B**), of the proposed ALUCP are the primary policy instruments to be used in determining whether a general plan land use designation is consistent with the proposed ALUCP. Both the table and map take into account all four compatibility concerns: noise, safety, airspace protection and overflight. There are six compatibility zones proposed for Madera Municipal Airport:

- Zone A – Runway Protection Zone
- Zone B1 – Inner Approach/Departure Zone
- Zone B2 – Sideline Zone
- Zone C1 – Outer Approach/Departure Zone
- Zone C2 – Primary Traffic Pattern Zone
- Zone D – Other Airport Environs

To identify potential conflicts with the proposed ALUCP, the proposed compatibility zones were overlaid onto the planned land use designations reflected in the County's and City's general plan maps. The compatibility zones which could potentially prohibit or restrict future residential densities (dwelling units per acre) or non-residential usage intensities (people per acre) were compared to the allowable densities and intensities provided in the County's and City's general plan. A conflict would exist if the general plan densities or intensities would exceed the ALUCP criteria (e.g., allow more residential units than would be permitted under the ALUCP). These types of land use conflicts can indirectly change future land use development patterns by shifting or "displacing" future development to less restrictive areas of the Airport Influence Area or to other parts of the community where there are no ALUCP restrictions.

Displacement involves changes to the patterns of land use development that has not yet occurred. The ALUCP has no effect on existing land uses and no displacement of existing development will occur as a result of adoption of the proposed ALUCP. The need to analyze "displacement" as part of the environmental impact analysis for adoption of an ALUCP stems from a 2007 California State Supreme Court Case, *Muzzy Ranch Co. v. Solano County Airport Land Use Commission*. Among other things, in its decision in that case the court found that "…placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction." While an ALUCP does not and need not determine where the displaced development would move to—and, indeed, ALUCs have no authority by which to make such a decision—the extent of the conflict that results in the displacement must be analyzed.

Exhibit 10B below summarizes the consistency findings for each of the two general purpose government entities having land use jurisdiction in the proposed Airport Influence Area.

Exhibit 10B: Affected General Plan Land Use Designations			
General Plan Designation	**ALUCP Zone**	**Consistency Discussion**	**Finding**
County of Madera Land Use Designations			
Agriculture (A)/ Agriculture Exclusive (AE)	B1, C1, C2, D	The AE and A designations require a minimum parcel size of 36 acres and 18 acres, respectively. Allowable residential development includes up to two single family homes per parcel, secondary residential units, caretaker/employee housing and farmworker housing. Land use proposals for future residential development within Zones B1 and C1 would be subject to the proposed ALUCP density limits of 1 du/10 acres in Zone B1 and 1 du/2 acres in Zone C1. Lands within Zone C1 are anticipated to be able to meet the ALUCP density limits. An 18-acre portion of a 73-acre parcel (parcel no. 033-020-005) lies within Zone B1 north of the airport. The parcel is actively cultivated and is not subject to the ALUCP unless residential development is proposed. The 18-acre portion in Zone B1 would be limited to 1 housing unit under the proposed ALUCP. See Section 13 for potential displacement of housing on this affected parcel. Zones C2 and D do not establish limits on future residential uses.	Zoning designation conflicts with Compatibility Zone B1 criteria on parcel no. 033-020-005.
Agricultural Residential (AR)	C1, C2	This designation requires a minimum parcel size of 10 acres and allows densities of 2 single family homes per parcel. Zone C1 limits residential densities to 1 du/2 acres. Therefore, no conflict is anticipated.	No conflict anticipated.
Highway Service Commercial (HSC)	D	This designation provides for restaurants, service stations, truck stops, hotels and motels, retail and amusement uses oriented to highway and through traffic, public and quasi-public uses. These uses are generally consistent with the proposed ALUCP criteria for this compatibility zone.	No conflict anticipated.
Light Industrial (LI)	B2, D	This designation provides for industrial parks, research and development, warehouses, light manufacturing, general commercial uses, professional offices, airports and airstrips, outdoor theaters, public and quasi-public uses. The proposed ALUCP would prohibit outdoor theaters and other outdoor assembly facilities	No conflict anticipated.

		in Zone B2. Nevertheless, the majority of permitted uses are generally consistent with the proposed ALUCP provided that individual land use proposals satisfy the ALUCP intensity and airspace criteria.	
Low Density Residential (LDR)	D	The proposed ALUCP does not establish restrictions on residential uses in Zone D.	No conflict anticipated.
Rural Residential (RR)	B1, B2	This designation allows a maximum density of 0.5 units per gross acre (i.e., 1 du/2 acres). The proposed ALUCP restricts densities to a maximum of 1 du/10 acres within Zones B1 and B2. Three parcels with the RR designation conflict with proposed ALUCP density criterion (parcel nos. 033-040-013, 033-040-014 and 033-040-012). Each parcel contains an existing dwelling. Under the proposed ALUCP, these parcels would be precluded from being subdivided and thus the maximum density permitted under the RR designation could not be attained. See Section 13 for potential displacement of housing on these affected parcels.	Zoning designation conflicts with Compatibility Zone B1 criteria on parcel nos. 033-040-013, 033-040-014 and 033-040-012.
City of Madera Land Use Designations			
Commercial (C)	B1, B2, C1	The designation allows a broad range of retail commercial uses, including professional offices. The ALUCP allows a variety of low-to-medium intensity commercial uses within the proposed airport influence area. The commercial designation is generally consistent with the proposed ALUCP provided that individual land use proposals satisfy the proposed ALUCP intensity limits and other applicable compatibility criteria.	No conflict anticipated.
Golf Course (GC)	B1, B2, C1, C2	This designation applies to an existing use, Madera Municipal Golf Course. As such, the use is not subject to the ALUCP criteria unless expansion or a change in use is proposed.	No conflict anticipated.
Industrial (I)	B1, B2, C1	This designation provides for both light and heavy industrial development. Industrial uses are generally consistent with the proposed ALUCP provided that intensity and airspace criteria are met.	No conflict anticipated.
Low Density Residential (LDR) (2.1 – 7 du/acre)	C1, C2	The LDR designation allows densities of 2.1 – 7 du/acre. The LDR density range conflicts with the proposed ALUCP density limit of no more	Zoning designation conflicts with

		than 1 du/2 acres. Most of the area within Zone C1 is already developed and the LDR designation merely reflects existing land uses. However, three undeveloped parcels within Zone C1 have the LDR designation (parcel nos. 006-380-009, 006-380-010 and 006-380-026). Based on Google Earth (2015), parcel nos. 006-380-010 and 006-380-026 appear to be significantly graded for development and may qualify as an existing land use under Policy 1.5.3 of the proposed ALUCP if appropriate levels of approval have been obtained. If none of the three affected parcels qualify as an existing land use, then the City will need to take some action to make the general plan designations for these parcels consistent with the proposed ALUCP. See Section 13 for potential housing displacement on these affected parcels. Zone C2 does not establish limits on future residential uses.	Compatibility Zone C1 criteria on parcel nos. 006-380-009, 006-380-010 and 006-380-026.
Medium Density Residential (MDR) (7.1 – 15 du/acre)	C1, C2	The MDR designation allows 7.1 – 15 du/acre. The MDR designation is inconsistent with the proposed ALUCP criteria for Zone C1. Within Zone C1, the ALUCP limits residential densities to no more than 1 du/2 acres. A portion of parcel no. 013-070-044 would be affected by the proposed ALUCP. Based on Google Earth (2015), the affected parcel appears to be significantly graded for development and may qualify as an existing land use under Policy 1.5.3 of the proposed ALUCP if appropriate levels of approvals have been obtained. If the parcel does not qualify as an existing land use, then the City will need to take some action to make the general plan designation for this parcels consistent with the proposed ALUCP. See Section 13 for potential displacement of housing on this affected parcel. Zone C2 does not establish limits on future residential uses.	Zoning designation conflicts with Compatibility Zone C1 criteria on parcel no. 013-070-044.
Office (O)	B2	This designation provides for the development of office centers near residential areas and is designed to buffer residential areas from more intense uses. The office designation is generally consistent with the proposed ALUCP provided that individual land use proposals satisfy the proposed ALUCP intensity limits and other applicable compatibility criteria.	No conflict anticipated.

Open Space (OS)	A, B1, B2, C1, C2	This category designates lands planned or in use as publicly owned open space, public parks or similar uses. The properties with this designation include the municipal golf course and open space areas beyond the ends of the runway. These properties are on-airport and controlled by the City.	No conflict anticipated.
Public and Semi-Public (P/QP)	A, B1, B2, C2	Designation provides for public facilities owned and/or operated by the City, County or other public agencies. Examples include City hall, Civic Center, School facilities, County offices and corporation yards. This designation applies to the airport property. The ALUC has no authority over the operation of Madera Municipal Airport, including the types of aviation-related facilities to be provided on the airport. However, the ALUC's jurisdiction extends to reviewing proposed nonaviation development of airport property. The draft (2014) Airport Layout Plan indicates future airport compatible commercial and industrial development on a portion of the airport property west of Runway 12-30. These land uses are generally consistent with the proposed ALUCP provided that future uses satisfy the ALUCP intensity limits and other ALUCP development restrictions (e.g., height of structures). Therefore, no significant conflicts are anticipated.	No significant conflicts anticipated.
Resource Conservation (RC)	B1, B2, C1, C2	This category designates lands planned to remain in use as agricultural lands (such as the growing of crops) or for conservation purposes (e.g., habitat lands). Existing agricultural or habitat lands are not subject to the ALUCP. However, future enhancements to habitat lands would be subject to the proposed ALUCP criteria and would be required to avoid features that would attract birds to the site.	No conflict anticipated.
Village Reserve (VR)	B1, B2, C1, C2	This designation signifies the need for future comprehensive land use planning to define specific land use designations. No specific land uses are provided for the lands within the proposed airport influence area. Future land uses would be subject to the proposed ALUCP criteria.	No conflict anticipated.

Findings

General Plan Policies

Neither the County of Madera's nor the City of Madera's adopted general plan policies directly conflict with the proposed ALUCP policies for the areas within their land use authority at this time. Nevertheless, the agencies will need to amend or supplement their general plans and/or other implementing ordinances to reflect the new ALUCP for Madera Municipal Airport following its adoption by the ALUC. At a minimum, the agencies will be need to:

1. Reference the new ALUCP by name and adoption date;
2. Establish the process by which the local agency will follow when forwarding certain land use and airport actions to the ALUC for review;
3. Define the process by which the local agency will follow when reviewing proposed land use development within the Airport Influence Area to ensure that the development will be consistent with the polices set forth in the ALUCP; and
4. Incorporate the compatibility criteria, policies, and zones.

General Plan Land Use Map

The general plan land use maps for both the County of Madera and City of Madera include planned land use designations that directly conflict with the proposed ALUCP criteria. In accordance with Government Code Section 65302.3, both agencies will be required to modify their respective general plan map to remove the conflicts noted in **Exhibit 10B** above. The agencies can either change the land use designations for the affected parcels to a compatible land use or adopt an airport compatibility overlay zone for the entire airport that will set the allowable densities and intensities for the underlying general plan land use designations.

c): The Madera Municipal Airport Influence Area does not fall within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation

None Required.

11. Mineral Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a – b): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of mineral resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to mineral resources.

Mitigation

None required.

12. Noise

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a – d, f): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of noise standards and sensitive receptors, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in exposing persons to noise or generating noise.

e): The proposed ALUCP is regulatory in nature; it does not propose any physical change to the environment. The ALUCP does not regulate the operation of aircraft or the noise produced by that activity. State law explicitly denies the ALUC authority over such matters. Pursuant to the State Aeronautics Act, the purpose of the ALUCP is to minimize the public's exposure to aircraft noise within the airport vicinity. Therefore, adoption and implementation of the proposed ALUCP would not generate new sources of aviation-related noise or expose people residing and working in the vicinity of the airport to excessive noise.

Airport-related noise and its impacts on land uses were considered in the development of the proposed ALUCP. The noise contours from the currently adopted ALUCP (1993) are brought forward for use in the proposed ALUCP. The noise contours are described in terms of the Community Noise Equivalent Level (CNEL), the metric adopted by the State of California for land use planning purposes. In accordance with PUC Section 21675(a), the airport noise contours cover the requisite 20-year planning timeframe and represent approximately 100,000 annual aircraft operations which is about double the current (2015) activity level.

The airport noise contours were one of four compatibility factors used to establish the compatibility zones for the proposed ALUCP. The ALUCP establishes criteria that reduce the potential exposure of people to excessive aircraft-related noise by limiting residential densities (dwelling units per acre) and other noise-sensitive land uses in locations exposed to noise levels greater than 60 dB CNEL. Thus, the proposed ALUCP would not expose people residing or working in the area to excessive noise levels.

Mitigation

None required.

13. Population and Housing

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

Potential Displacement of Future Housing

Jurisdictions are mandated by state law to accommodate their share of the regional housing needs (Government Code Section 65580). State law also requires jurisdictions to amend their respective general plans to be consistent with the ALUCP or to take special steps to overrule the ALUC (Public Utilities Code Section 21676(a)). Modifying a general plan for consistency with the ALUCP has the potential to restrict a jurisdiction's ability to satisfy its share of the regional housing needs, as an ALUCP may preclude or limit the future development of housing units within portions of the Airport Influence Area.

Impact Analysis

To address potential impacts to the County's and City's future housing resources, an analysis was conducted to determine the amount of developable residential acreage and the number of future dwelling units that would be precluded from portions of the Airport Influence Area. The analysis compares the residential densities (dwelling units per acre) permitted under local general plans with the density limits established in the proposed ALUCP. Where the general plan densities exceed the ALUCP density criteria (i.e., allow more future residential units than would be permitted under the ALUCP), the number of housing units that could not be accommodated within portions of the Airport Influence Area (i.e., displaced) is quantified.

As noted in Section 10, *Land Use and Planning* (see page 22), several planned residential land use designations associated with the County's and City's respective general plans are impacted by the proposed ALUCP. The purpose of this analysis is to determine whether the proposed ALUCP for Madera Municipal Airport could impact the ability of the County of Madera or City of Madera in meeting its respective share of the regional housing needs. The displacement analysis is summarized

in **Exhibit 13A** below. The analysis identifies the assessor parcel number that is affected by the proposed ALUCP and the displacement potential of each affected parcel.

Exhibit 13A: Theoretic Displacement Potential						
Assessor Parcel Number (Parcel Size)	**Affected Acreage (Acres)**	**General Plan Density (du/ac)**	**Development Potential Under General Plan (Units)**	**ALUCP Zone (Density Limit)**	**Development Potential Under Proposed ALUCP (Units)**	**Theoretical Displacement (Units)**
County of Madera (see **Exhibit 13B** for property locations)						
033-020-005 (73.38 acres)	18	2 units per parcel plus farm-worker housing	2+	B1 1 du/10 acres)	1	1 +
033-040-013 (4.54 acres)	4.5	1 du/2 acres	2	B1 and B2 (1 du/10 acres)	1	1
033-040-014 (4.27 acres)	4.3	1 du/2 acres	2	B1 and B2 (1 du/10 acres)	1	1
033-040-012 (8.81 acres)	7	1 du/2 acres	3	B2 (1 du/10 acres)	1	2
Subtotal			*9+*		*4*	*5+*
Existing Units			3			
Total			***6+***		***4***	***2+***
City of Madera (see **Exhibit 13C** for property locations)						
006-380-009 (49.52 acres)	18	2.1 – 7	37-126	C1 (1 du/2 acres)	9	28-117
006-380-010 (40.68 acres)	1	2.1 – 7	2-7	C1 (1 du/2 acres)	1	1-6
006-380-026 (11.72 acres)	4	2.1 – 7	8-28	C1 (1 du/2 acres)	2	6-26
013-070-044 (14.98 acres)	<1	7.1 – 15	7-15	C1 (1 du/2 acres)	1	6-14
Subtotal			*54-176*		*13*	*41-163*
Existing Units			0			
Total			**54-176**		**13**	**41-163**

Findings

As indicated in **Exhibit 13A**, up to 2 single-family dwelling units, as well as farmworker housing, could be displaced within the unincorporated areas of the County with the adoption and implementation of the proposed ALUCP. Within the City of Madera, between 41 and 163 units could be displaced. The potential for displacing residential housing results from the ALUCP placing density limits on future development within the Airport Influence Area in order to ensure continued operation and orderly development of the airport and to minimize public exposure to excessive noise and safety hazards. These restrictions may have the consequence, notwithstanding general plan designations and zoning, of displacing future development to less restrictive areas or areas outside of the Airport Influence Area.

County of Madera

The County of Madera's current Housing Element (2009-2014) was adopted August 2009. The County's draft Housing Element (2016-2024) was prepared in November 2014. The adopted Housing Element indicates that the County's Regional Housing Need Allocation is 9,473 units by 2014. The adopted Housing Element also indicates that the current Residential Holding Capacity is 66,065 units assuming the maximum densities allowed. The draft Housing Element indicates a need for 5,962 new housing units for unincorporated Madera County for the 2014 to 2024 planning period. The draft Housing Element also indicates that the County has a total residential capacity of 62,086 units. The estimated displacement of approximately 5 units represents an insignificant amount of the available development within Madera County. As such, this displacement is considered to be less than significant because it would not affect the County's ability to fulfill its obligations associated with the Regional Housing Needs Allocation, and because the 5 displaced housing units could be accommodated in other areas of the Airport Influence Area or County.

City of Madera

The City of Madera's current Housing Element (2007-2014) was adopted October 2009. The City's draft Housing Element (2016-2024) was prepared in April 2015. The adopted Housing Element indicates that the City's Regional Housing Need Allocation is 6,299 units by 2014. The adopted Housing Element also indicates that the total Residential Holding Capacity is 7,898 (realistic) to 10,251 (maximum capacity) housing units. The draft Housing Element indicates a need for 6,099 new housing units for the 2014 to 2024 planning period. The draft Housing Element also indicates that the City has over 370 vacant sites zoned for residential development that provides the City with a Regional Housing Needs Allocation surplus of 1,548 units. The theoretic displacement of up to 163 units represents a very small fraction (2 percent) of the available residential development within the City. Therefore, this displacement is considered to be less than significant because it would not affect the City's ability to fulfill its obligations associated with the Regional Housing Needs Allocation, and because the displaced housing units could be accommodated in other areas of the Airport Influence Area or City.

Mitigation

None required**.**

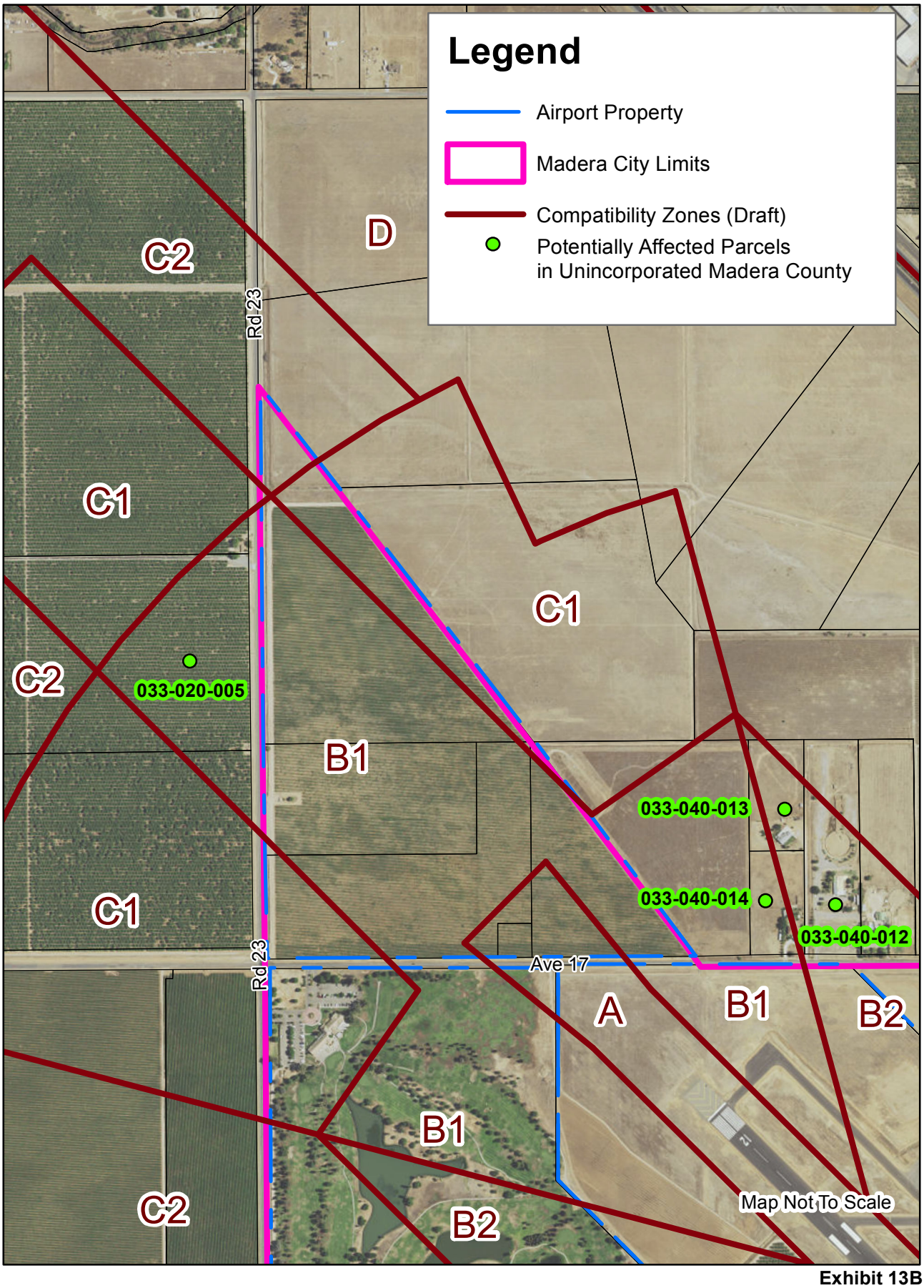


Exhibit 13B

Potentially Affected Parcels

County of Madera

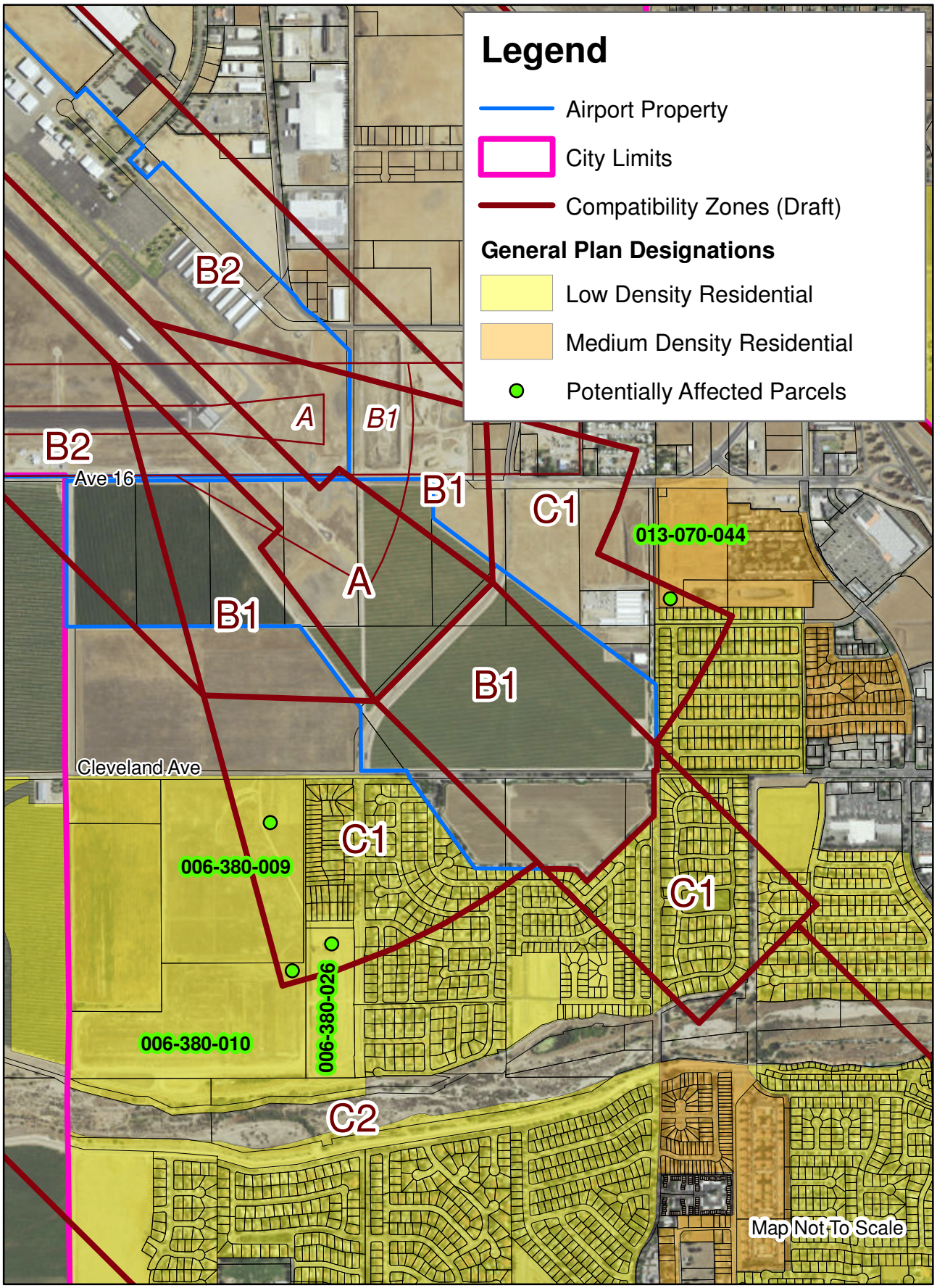


Exhibit 13C

Potentially Affected Parcels

City of Madera

14. Public Services

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☒	☐

Discussion

a.i – a.iv: See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of public services, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to listed government facilities or services.

a.v): Adoption and implementation of the proposed ALUCP would create a temporary increase in the staff workloads as a result of the state requirement to modify the local general plan to be consistent with the ALUCP. As described in Section 10 of this Initial Study, minor changes and/or additions would be needed to bring the County's and City's general plan into consistency with the proposed ALUCP. Over the long-term, procedural policies included in ALUCP will simplify and clarify the ALUC project review process, thereby reducing the workload for ALUC staff, County of Madera, and City of Madera planning staffs.

Mitigation

None required.

15. Recreation

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a, b): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of recreational resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to recreation.

Mitigation

None required.

16. Transportation and Traffic

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.)?	☐	☐	☐	☒

Discussion

a – b, d – g): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of transportation systems, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to on-ground transportation and traffic.

c): Neither the ALUC nor the policies set forth in the proposed ALUCP have authority over airport operations. However, in accordance with state law, certain airport development proposals that could have off-airport compatibility implications are subject to ALUC review. Nonetheless, adoption and implementation of the proposed ALUCP will not result in any change to air traffic patterns at Madera Municipal Airport.

Mitigation

None required.

17. Utilities and Service Systems

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a – g): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of utilities and service systems, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to utilities and service systems.

Mitigation

None required.

18. Mandatory Findings of Significance

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a, c): See Summary of Potential Environmental Effects (No. 11 on page 4). The proposed Airport Influence Area has the potential to contain a wide variety of environmental resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in a substantial adverse effect on the environment or human beings or substantially degrade the environment.

b): The proposed ALUCP is regulatory and does not propose any physical changes to the environment. Although some potential inconsistencies were found between the proposed ALUCP and local agencies' general plans (see Sections 10 and 13), these inconsistencies were considered to be less than significant. Although some staff effort will be required to revise the County and City general plans to implement the ALUCP, this effort will be temporary and result in a simplified review process following implementation. No contribution to cumulative land use impacts would occur.

In addition, the proposed ALUCP addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development that other public entities or private parties may propose within the Airport Influence Area. Therefore, adoption and implementation of the ALUCP would prevent persons associated with future land use projects from being exposed to significant negative noise or safety hazards associated with living or working in the

Airport Influence area. Adoption and implementation of the proposed ALUCP has no potential to create cumulatively significant environmental impacts.

Mitigation

None required.

[PROPOSED]
NEGATIVE DECLARATION

Madera Municipal Airport
Land Use Compatibility Plan

Project Name: Madera Municipal Airport Land Use Compatibility Plan

Lead Agency: Madera County Airport Land Use Commission (ALUC)

Project Contact: Matt Treber, Deputy Planning Director
County of Madera
200 W. 4th Street, Suite 3100
Madera, California 93637
Phone: (559) 675-7821
Email: matthew.treber@madera-county.com

Project Location (Latitude/Longitude: 37˚ 06' 47.8" N / 120 14' 49.2" W): The proposed project is located at the Madera Municipal Airport and within the associated Airport Influence Area (AIA). The AIA is defined 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. For Madera Municipal Airport, the proposed AIA boundary extends approximately 2.5 statute mile beyond the Airport's runway ends and encompasses lands within the City of Madera and unincorporated areas of Madera County (see **Exhibit A** in the Initial Study). The project area includes lands that are designated for various uses including: additional industrial, commercial, and residential development.

Project Description: The proposed ALUCP will replace the current Airport Land Use Compatibility Plan for the Madera Municipal Airport, which was adopted by the Madera County Airport Land Use Commission (ALUC) in 1993. A copy of the proposed ALUCP for Madera County, which includes the ALUCP for Madera Municipal Airport, is presented as **Attachment A** to the Initial Study.

The preparation of ALUCPs for public-use airports is required by the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq*.). The purpose of the ALUCP is to promote compatibility between an airport and the land uses in its vicinity to the extent that these areas have not already been devoted to incompatible uses. The ALUCP establishes a set of compatibility criteria that the ALUC

and local agencies will use to evaluate the compatibility of land use proposals within the airport vicinity, as well as long-range airport development plans.

The County of Madera and the City of Madera have land use planning authority over most of the AIA, and these entities are expected to incorporate certain criteria and procedural policies from the proposed ALUCP into their general plans and zoning ordinances to ensure that future land use development within their jurisdictions will be compatible with the long-term operation of the Madera Municipal Airport. Special districts, school districts and community college districts also must consider the ALUCP criteria in the development of district facility master plans. These local agencies (County, City and districts) also have the option of overruling the ALUC in accordance with the steps defined by state law (PUC Section 21676).

Neither the proposed ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or over state, federal, or tribal lands. No airport development or any other physical change to the environment is associated with the proposed project.

Potential Impacts: The proposed ALUCP is regulatory in nature, and neither the project—the adoption of the ALUCP—nor its subsequent implementation by local agencies will lead directly to development or to any physical change to the environment. The draft ALUCP does have the potential to indirectly cause a physical change in the environment by influencing future land use development patterns through the establishment of compatibility criteria that are intended to prohibit or restrict certain types of development within specifically delineated areas. The proposed ALUCP was reviewed against the County of Madera's and the City of Madera's general plans; minor conflicts were identified (see Sections 10 and 13 of the Initial Study). However, no significant impacts to environmental resources were identified during the analysis performed for the Initial Study. Based on the CEQA analysis performed, adoption and implementation of the proposed ALUCP will not create a potentially significant effect on the environment.

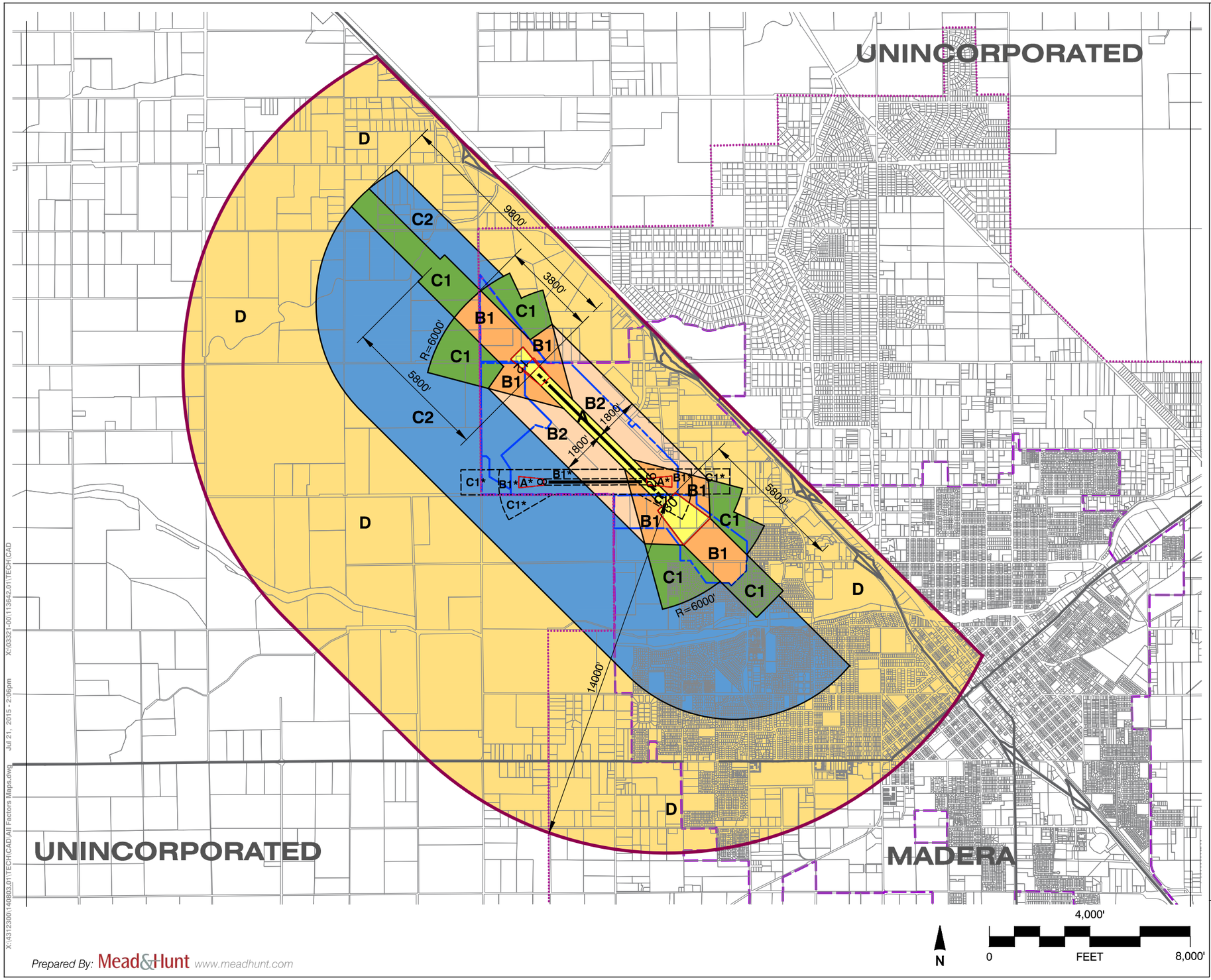
Mitigation Measures: No mitigation measures are proposed.

Proposed Finding: *Based on the Initial Study and in light of the whole record before the Commission, including comments received in response to this notice and the Initial Study, the Madera County Airport Land Use Commission finds that there is no substantial evidence that the proposed project may have a significant effect on the environment. This Initial Study/Negative Declaration reflects the Commission's independent judgment and analysis.*

_____ _____

Norman Allinder, Planning Director
Madera County Airport Land Use Commission

Date



Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft) [1]

- A — Runway Protection Zone
- B1 — Inner Approach/Departure Zone
- B2 — Sideline Zone
- C1 — Outer Approach/Departure Zone
- C2 — Primary Traffic Pattern Zone
- D — Other Airport Environs
- Runway 8-26 Overlay Zones* (Compatibility zones are in effect until such time that Runway 8-26 is closed. The City anticipates to close Runway 8-26, which is restricted to agricultural use, once the FBO lease expires in 2019).

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.
2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3B

Compatibility Policy Map

Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics							
Any use having more than 1 habitable floor [4]							B1, B2: Limited to no more than 2 habitable floors C1: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height							B1, B2, C1: Ensure airspace obstruction does not occur B1, B2, Height Review Overlay Zone: Airspace review required for objects >35 feet C1: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height							C2, D: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife							C1, C2, D: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]							
Outdoor Uses (no or limited indoor activities)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [7] A, B1, B2: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/retention ponds ✹							A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹							A: Not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹							B1, B2, C1, C2, D: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈							C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈							C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹							B1, B2, C1: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈							B1, B2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈							C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)							B1, B2, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses							
Single-Family residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈							B1, B2: 1 du/10 acres (average density); 4 du/single acre[8]; CNEL 45 dB max. interior noise level C1: 1 du/2 acres (average density); 4 du/single acre[8] B1: B2, C1: Locate dwelling outside zone where feasible or max. distance from extended runway centerline
Multi-Family Residential: townhouses, apartments condominiums ✈							
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈							
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]				0.46	1.38		C1, C2: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities ✈							

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Educational and Institutional Uses							
Family day care homes (≤14 children) [9] ✈							B1, B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈							
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.09	0.28		B2, C1, C2: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.10		C1, C2: Ensure intensity criteria met
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers, emergency/ homeless shelters ✈ [approx. 100 s.f./person]			0.23	0.23	0.69		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]			0.14	0.14	0.41		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈							
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.55	1.65		B2, C1, C2: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Penal Institutions: prisons, reformatories							
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C1: Allowed only if site outside zone would not serve intended function; ensure intensity criteria met
Commercial, Office, and Service Uses							
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, supermarket [approx. 110 s.f./person]				0.25	0.76		C1, C2: Ensure intensity criteria met

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]		0.08	0.14	0.14	0.41		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57	0.57	1.72		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.49	1.48		B1, B2, C1: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.46	1.38		B1, B2, C1, C2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking and other transportation fueling facilities							B1, B2, C1, C2: Ensure intensity criteria met B1, B2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons B1: Locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹							D: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹							C2, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]			0.46	0.46	1.38		B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	0.80			B1, B2, C1: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research and Development Laboratories [approx. 300 s.f./person]		0.41	0.69	0.69	2.07		B1, B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.38	2.30				B1, B2: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling							B1: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Mining and Extraction ✹							B1, B2, C1, C2: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Transportation Stations: Rail/bus stations; taxi, trucking and other transportation terminals							B1, B2, C1: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops							B1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures							B1: Ensure airspace obstruction does not occur

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Communications Facilities: broadcast and cell towers, emergency communications ✹							C1: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Power Plants: primary, peaker, renewable energy, bio-energy ✹							C2, D: Peaker and renewable energy plants allowed if structures located max. distance from extended runway centerline D: Primary plants allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline All: Ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Electrical Substations ✹							C1, C2: Locate structure max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Wastewater Facilities: treatment, disposal ✹							C1, C2: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Disposal Facilities: landfill, incineration ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Transfer Facilities, Recycle Centers ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]

Table 3A, continued

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

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.1 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See *Policy 3.5.3(a)* for criteria.

[1] Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). 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 (see *Policy 3.4.2(e)*). Exceptions can be made for rare special events (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see *Policy 3.7.4)*. The usage intensities shall be calculated in accordance with the methodologies cited in Policy 3.4.3 and 3.4.4.

[2] Open land requirements are intended to be applied with respect to an entire zone (see *Policy 3.4.9)*. This is typically accomplished as part of a local general plan or specific plan, but may also apply to large (10 acres or more) development projects.

[3] Occupancy Load Factors [approx. number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These Occupancy Load Factors differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See *Policy 3.4.3.*

[4] The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.

[5] No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. *See Policy 3.5.3(a)(6).*

[6] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. *See Policy 3.5.3(a).*

[7] Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway. See *Airport* maps in Chapters 4 through 5.

[8] Clustering of residential development is permitted. However, no single acre of a project site shall exceed the indicated number of dwelling units per acre. See Policy 3.4.9(d).

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

Table 3A, continued

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CEQA
INITIAL STUDY AND NEGATIVE DECLARATION

Chowchilla Municipal Airport

Land Use Compatibility Plan

Prepared for

Madera County

Airport Land Use Commission

200 W. 4th Street, Suite 3100

Madera, California 93637

Prepared by

Mead & Hunt, Inc.

Santa Rosa, California

www.meadhunt.com

July 2015 Draft

INITIAL STUDY

1.	***Project Title:***	Chowchilla Municipal Airport Land Use Compatibility Plan
2.	***Lead Agency Name and Address:***	Madera County Airport Land Use Commission 200 W. 4th Street, Suite 3100 Madera, California 93637
3.	***Contact Person and Telephone:***	Matt Treber, Deputy Director County of Madera Planning Department (559.675.7821)
4.	***Project Location:***	Chowchilla Municipal Airport and the surrounding area, including the City of Chowchilla and unincorporated area of Madera County (See **Exhibit A**)
5.	***Project Sponsor's Name and Address:***	Madera County Airport Land Use Commission 200 W. 4th Street, Suite 3100 Madera, California 93637
6.	***General Plan Designation(s):***	Various
7.	***Zoning Designation(s):***	Various

8. Description of Proposed Project:

The creation of airport land use commissions and preparation of compatibility plans for public-use airports are requirements of the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq*.). The Madera County Planning Commission is designated as the Madera County Airport Land Use Commission (ALUC) for two public-use airports in Madera County: Chowchilla Municipal and Madera Municipal Airports. The proposed project is the adoption of the Madera Countywide Airport Land Use Compatibility Plan (ALUCP) which contains the individual ALUCP for Chowchilla Municipal Airport. The objective of the proposed ALUCP is two-fold:

- To meet California legislative mandate to prepare and adopt an ALUCP pursuant to the requirements of PUC Section 21675; and
- Adopt an ALUCP for Chowchilla Municipal Airport that will protect public health, safety and welfare by ensuring the orderly expansion of the airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards (PUC Section 21670(a)).

The proposed ALUCP will replace the existing ALUCP for Chowchilla Municipal Airport adopted by the ALUC in 1993. A copy of the proposed ALUCP for Madera County, which includes the Chowchilla Municipal ALUCP, is presented as **Attachment A** to this Initial Study.

In accordance with PUC Section 21674.7, the proposed ALUCP for the Chowchilla Municipal Airport was guided by the *California Airport Land Use Planning Handbook* published by the California Department of Transportation (Caltrans), Division of Aeronautics, in October 2011. The proposed ALUCP reflects the anticipated growth of the Airport for the next 20 years as required by PUC Section 21675(a). The ALUCP was developed in coordination with ALUC staff and planning and airport staff members from the County of Madera and City of Chowchilla.

Geographic Scope

The proposed ALUCP defines the Airport Influence Area as the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. As defined by the ALUC, the proposed Airport Influence Area boundary extends approximately one statute mile beyond the airport's runway ends and encompasses lands within the City of Chowchilla and unincorporated areas of Madera County (see **Exhibit A**).

This ALUCP for Chowchilla Municipal Airport is based on data presented in the Chowchilla Municipal Airport Layout Plan drawing approved by the City and the FAA in 2009. The airport layout plan reflects several proposed airfield improvements including a future 572-foot runway extension to the southeast for a future runway length of 3,825 feet and a future nonprecision approach with 1-mile visibility minimums to Runway 30. The ALUCP also reflects a 20-year forecast of 21,000 annual aircraft operations which is more than double the current (2015) activity level.

Function of ALUCP

The basic function of the proposed ALUCP is to promote compatibility between the airport and the land uses in its vicinity to the extent that these areas have not already been devoted to incompatible uses. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to future development around the airport. Additionally, the ALUCP serves as a tool for use by the ALUC in fulfilling its statutory duty to review plans, regulations and other actions of local agencies and airport operators for consistency with the ALUCP criteria. Neither the ALUCP nor the ALUC will have authority over existing land uses or over the operation of the airport or over state, federal, or tribal lands. The ALUCP also does not prohibit the construction of a single-family home on a legal lot of record if the use is permitted by local land use regulations.

The County of Madera has land use authority over unincorporated areas within the Airport Influence Area, and the City of Chowchilla has land use authority over portions of the Airport Influence Area within its limits and sphere of influence. Each agency is expected to incorporate certain criteria and procedural policies from the proposed ALUCP into its general plan and zoning ordinances to ensure that future land use development will be compatible with the long-term operation of the Chowchilla Municipal Airport. Each agency also has the option of overruling the ALUC in accordance with the steps defined by state law (PUC Section 21676).

9. Surrounding Land Uses and Setting:

The Chowchilla Municipal Airport is entirely within the Chowchilla city limits. It is located west of State Highway 99, between Chowchilla Boulevard and South 3rd Street (Road 16) south of Mariposa Avenue. Most development in Chowchilla is located north and west of the airport.

Existing development immediately surrounding the airport includes a mixture of vacant, industrial, and recreational uses. The railroad flanks the northeast side of the airport. Northeast of the railroad tracks, the land is vacant until State Route 99, a half-mile east. Immediately northwest of the airport is a small strip of industrial uses and then residential uses beyond. The area to the south and south-west is currently industrial. The Madera County Fairgrounds are located immediately to the west of the airport.

The City of Chowchilla General Plan designates future land uses within and around the Chowchilla Municipal airport. The entire airport and the Madera County Fairgrounds to the west are designated Public Facilities. Light or Heavy Industrial uses are planned west, south and southeast of the airport. The City designates the area northwest of Runway 12 as Light Industrial surrounded by Service Commercial and Medium/High Density Residential. Madera County has land use authority over all unincorporated land. The airport is over a half-mile from any unincorporated land. The County's General Plan designates agriculture about 1 mile north of the airport and a mix of residential uses about 1.5 miles to the west.

10. Other Public Agencies Whose Approval Is Required:

Although input from various entities is necessary, the ALUC can adopt the proposed ALUCP without formal approval from any other state or local agency. However, a copy of the plan must be submitted to the Caltrans Division of Aeronautics (PUC Section 21675(d)). The Division is required by state law (PUC Section 21675(e)) to assess whether the plan addresses the matters that must be included pursuant to the statutes and to notify the ALUC of any deficiencies. The statute also requires the ALUC to establish (or revise) the Airport Influence Area boundary only after "hearing and consultation with involved agencies" (PUC Section 21675(c)).

ALUCP policies can be implemented only by the local jurisdictions that have authority over land use within the Airport Influence Area, or in this case, the County of Madera and the City of Chowchilla. State statutes require an agency to make its general plan consistent with an ALUCP within 180 days of ALUC adoption or to overrule the ALUC (Government Code Section 65302.3). If a jurisdiction chooses to overrule an ALUCP, the overrule procedure requires formal findings that the jurisdiction's action is consistent with the intent of the state airport land use compatibility planning statutes and action by a two-thirds vote of the jurisdiction's governing body (PUC Section 21676).

11. Summary of Potential Environmental Effects:

In accordance with CEQA, the purpose of this Initial Study is to inform decision makers and the public about the potential environmental impacts of the proposed project—the adoption and subsequent implementation of the proposed ALUCP—and to reduce those environmental impacts to the extent feasible. The outcome of the Initial Study is to determine what type of environmental document—a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report—is required of the proposed project.

The proposed ALUCP is regulatory in nature (PUC Section 21674, 21675 and 21675.1), and neither the project—the adoption of the ALUCP—nor its subsequent implementation by local agencies will lead to any new development, construction or any physical change to existing land uses or the environment.

The proposed ALUCP does not prohibit future development in the vicinity of the airport, but rather would affect where and what type of development could occur within the Airport Influence Area. The proposed ALUCP seeks to guide the compatibility of future land uses by limiting the density, intensity, and height of new uses so as to avoid potential conflicts with aircraft operations and to preserve the safety of those living and working around the Airport as well as of those in flight. Therefore, the proposed ALUCP may indirectly influence future land use development patterns in the vicinity of Chowchilla Municipal Airport by enabling development in some locations and constraining development in other locations.

Although policies in the ALUCP would influence future land use development patterns within the Airport Influence Area, the proposed ALUCP would not increase levels of development above those projected within the affected agencies' local planning documents (e.g., general plans). The environmental effects of development proposed by local general plans have already been adequately analyzed in previously certified environmental documentation and the City and County have adopted policies and/or mitigation measures that would reduce these environmental effects. Additionally, any future development proposals would be subject to CEQA, ensuring that potential impacts are studied, disclosed and mitigated as appropriate.

Lastly, it is speculative to anticipate the specific characteristics or locations to which "displaced" future development might be moved or what the alternative uses might be for the sites from which the displacement occurs. Any indirect effect that may arise from shifts in future development patterns is uncertain because potential shifts cannot be accurately predicted as to when, where, or to what extent the development may occur. The environmental impacts of such shifts or "displacement" are speculative and, therefore, are reasonably considered to be less than significant for purposes of this CEQA analysis (Title 14. California Code of Regulations, Chapter 3, Article 10, §15145.). This finding of less than significant is further supported by the fact that state law (Government Code 65302.3) requires a local agency to amend its general plan and any applicable specific plan to be consistent with the ALUCP. Therefore, any conflicts identified in the Initial Study would be alleviated by the local agency amending the applicable plan to be consistent with the ALUCP or, alternatively, overruling the ALUC by adopting findings pursuant to PUC Section 21676. These actions are the responsibility and purview of the local agency, not the ALUC.

For the reasons stated above, the proposed ALUCP would not result in any direct impacts to the following environmental categories: Aesthetics, Agriculture/Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Geology/Soils/Seismicity, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology/Water Quality, Mineral Resources, Noise, Population and Housing, Recreation, Transportation/Traffic, and Utilities/Services Systems.

No environmental categories would be affected by this project to the extent of having a "Potentially Significant Impact." Two environmental impact categories, "Land Use/Land Use Planning" and "Public

Services" were identified as having a "Less than Significant Impact." Appropriate discussions are provided for other impact categories that warrant some explanation.

As described in Section 10, *Land Use/Land Use Planning*, the general plan policies and land use maps for the County of Madera and the City of Chowchilla were reviewed for consistency with the proposed ALUCP. Although no direct policy conflicts exist, this Initial Study determined that adoption of the proposed ALUCP could result in changes to future land use development patterns by shifting or "displacing" the location of that development. The need to analyze displacement as part of the environmental impact analysis for adoption of an ALUCP stems from a 2007 California State Supreme Court Case, *Muzzy Ranch Co. v. Solano County Airport Land Use Commission*. Among other things, in its decision in that case the court found that "…placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction." While an ALUCP does not and need not determine where the displaced development would move to—and, indeed, ALUCs have no authority by which to make such a decision—the extent of the conflict that results in the displacement must be analyzed. Section 10 summarizes the consistency review. The analysis is based on the planned land use designations shown in the Madera County General Plan Land Use Map (1995) and the City of Chowchilla General Plan (2011). Based on these findings, the County and City will each be required to make minor changes to its general plan, specific plans, and/or implementing ordinances to be fully consistent with the ALUCP or to take action to overrule the ALUC. Changes to the County's and City's General Plan Land Use Maps are not required.

As described in Section 13, *Public Services*, the County's and City's planned land use designations allowing residential development are generally consistent with the proposed compatibility criteria as they merely reflect existing land use patterns. In accordance with state law, the ALUC has no authority over existing land uses. As such, no residential displacement will result with the adoption and implementation of the proposed ALUCP.

As described in Section 14, adoption and implementation of the proposed ALUCP would create a temporary increase in the staff workloads of affected land use jurisdictions as a result of the state requirement to modify local general plans for consistency with the ALUCP. However, this effect would be temporary. Over the long term, the procedural policies included in the ALUCP are intended to simplify and clarify the ALUC project review process and thus reduce workload for ALUC and local agency planning staff members.

REFERENCES

The following references are cited in the text that follows for the Initial Study.

1. County of Madera. General Plan and General Plan Land Use Map. Adopted October 24, 1995.
2. County of Madera. 2016-2024 Housing Element Update. Public Review Draft November 20, 2014.
3. City of Chowchilla. General Plan and Land Use Map. May 2, 2011.
4. City of Chowchilla. Housing Element 2009-2014. May 2, 2011.
5. State of California Department of Transportation (Caltrans) Division of Aeronautics. California Airport Land Use Planning Handbook. October 2011.

DETERMINATION

Completed By Lead Agency: Madera County Airport Land Use Commission

On the basis of this initial study:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

Signature	Date
Norman Allinder, Planning Director	Madera County Airport Land Use Commission For

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

CATEGORY	Pg	**ANALYSIS SUMMARY** (See individual pages for details) *Potentially Significant Impact*	*Less than Significant Impact with Project Mitigation*	*Less than Significant Impact*	*No Impact*	*Comments* *(*Also see discussion above starting on page 3, Topic 11)
1. AESTHETICS	9	☐	☐	☐	☒	
2. AGRICULTURE/FORESTRY RESOURCES	10	☐	☐	☐	☒	
3. AIR QUALITY	11	☐	☐	☐	☒	
4. BIOLOGICAL RESOURCES	12	☐	☐	☐	☒	
5. CULTURAL RESOURCES	14	☐	☐	☐	☒	
6. GEOLOGY/SOILS/SEISMICITY	15	☐	☐	☐	☒	
7. GREENHOUSE GAS EMISSIONS	16	☐	☐	☐	☒	
8. HAZARDS/HAZARDOUS MATERIALS	17	☐	☐	☐	☒	e) Plan limits exposure of people to aircraft accident hazards by restricting risk-sensitive uses in airport vicinity
9. HYDROLOGY/WATER QUALITY	19	☐	☐	☐	☒	
10. LAND USE/LAND USE PLANNING	20	☐	☐	☒	☐	b) Minor modifications needed to local agency Land Use Plans.
11. MINERAL RESOURCES	26	☐	☐	☐	☒	
12. NOISE	27	☐	☐	☐	☒	e) Plan limits exposure of people to noise, but does not regulate aircraft
13. POPULATION/HOUSING	29	☐	☐	☐	☒	b)No housing will be displaced
14. PUBLIC SERVICES	31	☐	☐	☒	☐	a) No effect on schools; negligible effect on government staff workloads
15. RECREATION	32	☐	☐	☐	☒	
16. TRANSPORTATION/TRAFFIC	33	☐	☐	☐	☒	c) Plan does not regulate air traffic
17. UTILITIES/SERVICE SYSTEMS	35	☐	☐	☐	☒	
18. MANDATORY FINDINGS OF SIGNIFICANCE	36	☐	☐	☐	☒	b) No cumulative impacts

ENVIRONMENTAL CHECKLIST

1. Aesthetics

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway corridor?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☐	☒

Discussion

a – d): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of aesthetic resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to aesthetic resources.

Mitigation

None required.

2. Agriculture and Forestry Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board.

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined in Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 3). The Airport Influence Area includes some areas designated for agricultural uses. The proposed ALUCP is regulatory; it does

not provide for any physical change to the environment that would directly or indirectly conflict with agricultural or forestry use within the Airport Influence Area or result in their conversion to other uses.

Mitigation

None required.

3. Air Quality

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

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

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of air quality plans and sensitive receptors, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to air quality.

Mitigation

None required.

4. Biological Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of biological resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new

development, construction or physical change to the environment that would directly or indirectly result in any impacts to biological resources.

f): The Chowchilla Municipal Airport Influence Area does not fall within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation

None required.

5. Cultural Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a – d): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of cultural resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to cultural resources.

Mitigation

None required.

6. Geology, Soils, and Seismicity

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

a – e): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of geology, soils or seismicity, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new

development, construction or physical change to the environment that would directly or indirectly result in any impacts to geology, soils or seismicity.

Mitigation

None required.

7. Greenhouse Gas Emissions

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☒
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a, b): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of greenhouse gas emission plans and policies, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to greenhouse gas emissions.

Mitigation

None required.

8. Hazards and Hazardous Materials

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Discussion

a – d, f – h): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of hazards and hazardous materials, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to hazards and hazardous materials.

e): Pursuant to the State Aeronautics Act, the purpose of the ALUCP is to minimize the public's exposure to excessive noise and safety hazards within the airport vicinity. Therefore, adoption and implementation of the proposed ALUCP would have a beneficial impact by reducing the exposure of people within the Airport Influence Area to airport-related safety hazards including aircraft accidents.

The proposed ALUCP uses the aircraft accident risk data and safety compatibility concepts provided in the California *Airport Land Use Planning Handbook* (Caltrans, 2011) to establish airport land use compatibility zones to include areas exposed to significant safety hazards. The ALUCP also establishes safety criteria and policies that limit concentrations of people within the compatibility zones. The purpose of the policies is to minimize the risks and potential consequences associated with an off-airport aircraft accident or emergency landing. The policies consider the risks to both to people and property in the vicinity of the airport and to people on board the aircraft.

The risks of an aircraft accident occurrence is further reduced by airspace protection policies that limit the height of structures, trees, and other objects that might penetrate the airport's airspace as defined by Federal Aviation Regulations (FAR), Part 77, "Safe, Efficient Use, and Preservation of the Navigable Airspace." The airspace protection policies also restrict land use features that may generate other hazards to flight such as visual hazards (i.e., smoke, dust, steam, etc.), electronic hazards that may disrupt aircraft communications or navigation, and wildlife hazards (i.e., uses which would attract hazardous wildlife to airport environs). Therefore, no impact is anticipated as a result of the adoption and implementation of the proposed ALUCP.

Mitigation

None required.

9. Hydrology and Water Quality

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

Discussion

a – j): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of hydrology and water quality standards, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to hydrology and water quality.

Mitigation

None required.

10. Land Use and Land Use Planning

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Discussion

a, c): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of communities, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in physically dividing an established community.

b) State law (Government Code Section 65302.3) requires each local agency having jurisdiction over land uses within an ALUC's planning area, also referred to as the Airport Influence Area, to modify its general plan and any affected specific plans to be consistent with the ALUCP. The law says that the local agency must take this action within 180 days of ALUCP adoption or amendment. The only other course of action available to local agencies is to overrule the ALUC by, among other things, a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes (Public Utilities Code Section 21676(b)). A general plan does not need to be identical with an ALUCP in order to be consistent with it. To meet the consistency test, a general plan must do two things:

1. It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and

2. It must avoid direct conflicts with compatibility planning criteria.

With regard to the proposed ALUCP, the County of Madera and the City of Chowchilla are the only two general purpose government entities having land use jurisdiction in the proposed Airport Influence Area. As such, once the ALUCP is adopted by the ALUC, these agencies will be required to amend their

general plans and/or implementing ordinances to be consistent with the ALUCP or to take action to overrule the ALUC.

The general plan consistency review detailed below focuses on two types of inconsistencies:

1. Adopted general plan policies pertaining to airport land use compatibility planning that either directly conflict or need to be amended to reflect changes in the proposed ALUCP policies and maps; and

2. Land use designations provided in the adopted general plan land use map that may conflict with the ALUCP criteria.

Adopted General Plan Policies

The County of Madera's and City of Chowchilla's adopted general plans were reviewed to identify policies that apply specifically to airports and the existing ALUCP. The applicable general plan policies are summarized in **Table 1** below.

Table 1: Summary of Adopted General Plan Policies

County of Madera

- County shall ensure residential land uses are separated and buffered from airports (Policy I.C.6)
- County shall support continued use of Madera and Chowchilla Municipal Airports as general purpose airports (Policy 2.F.1)
- County shall provide for adequate ground access to Madera and Chowchilla Municipal Airports in its transportation planning and improvements (Policy 2.F.2)
- County shall work with the ALUC in planning land uses around Madera and Chowchilla Municipal Airports to ensure protection of airport operations from urban encroachment (Policy 2.F.3)
- County shall prohibit development in existing Runway Protection Zones as identified in the ALUCP (Policy 2.F.4)
- County shall require discretionary approval of all new private landing strips and helicopter landing sites (Policy 2.F.5)
- County should support development of an eastern county mountain airport (Policy 2.F.6)
- County shall ensure that new development around airports does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards (Policy 6.D.1)
- County shall limit land uses in airport safety zones to those uses listed in the applicable airport comprehensive land use plans (CLUPs) as compatible uses. Exceptions shall be made only as provided for in the CLUPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise (Policy 6.D.2)

City of Chowchilla

- Ensure that new development can be made compatible with the noise environment by using the standards in, and airport noise contours identified in Table N-5 as guides to future planning and development decisions (Policy N-2.1)
- Avoid placing noise sensitive land uses (e.g., residences, schools, group homes, assisted living facilities, day care centers, etc.) within high noise impact areas (greater than 65 dB CNEL) associated with Chowchilla Municipal Airport (Policy N-2.2)
- City of Chowchilla shall coordinate with Madera County Airport Land Use Commission in maintaining noise contours for Chowchilla Municipal Airport as notable changes in current or projected operations are planned. All new land use proposals shall comply with land use policies of the Airport Land Use Compatibility Plan for Madera County Airports (MCALUCP) for aircraft-generated community noise (Policy N-2.3)
  - All residential development within the area included in the MCALUCP shall be restricted to areas where outdoor noise levels are less 65 dB CNEL and shall be prohibited in those areas which are greater than 65 dB CNEL except those areas that were designated for residential development prior to the adoption of the General Plan Noise Standards. In those areas, residential uses may be permitted within the 65 to

Table 1: Summary of Adopted General Plan Policies

70 dBA CNEL Noise Contour, if the City Council makes findings that the use was intended prior to the adoption of the General Plan Noise Standards, that substantial resources have been allocated to the planning or construction of that use, that alternative locations for such use are limited or not reasonably available, and that notification to the property owner and future tenants will be given in a legally acceptable manner that significant noise may be present at that location (Implementation Measure N-2.3.A).

- Utilize the Airport Protection Overlay Zone, as appropriate, in review of development projects in the vicinity of Chowchilla Municipal Airport (Policy N-2.4)
- Proposed residential, commercial, and industrial uses shall be consistent with the Chowchilla Municipal Airport Plan (Policy LU-7.4)
  - City shall adhere to the Madera County Airport Land Use Compatibility Plan in the review and approval of development projects (Implementation Measure LU-7.4.A)
  - City shall work with the Chowchilla Airport to find an alternative site for the airport that will not disrupt existing and future residential areas (Implementation Measure LU-7.4.A)
- Coordinate with City Planning Commission and Madera County Airport Land Use Commission considering new residential development that may fall within the existing airport area of influence (Policy LU-13.1)
  - Residential development within the southeasterly approach zone is to be restricted within a horizontal distance extending approximately 3,000 to 4,000 feet southeast of the end of the runway (Implementation Measure LU-13.1.A)
  - City shall require dedication of aviation easements as a condition of approving any development within the Airport Approach Zone (Implementation Measure LU-13.1.B)
  - Incompatible land uses which would diminish the existing operation and the future expansion of the Chowchilla Airport shall be fully evaluated for impacts on the airport prior to approval (Implementation Measure LU-13.1.C)
  - Land Use Element of the Chowchilla General Plan and Chowchilla Zoning Ordinance shall be used to restrict potentially hazardous land uses from being established within Compatibility Zones A & B1 as defined by the Madera County Airport Land Use Compatibility Plan (refer to Figure CI-3) (Implementation Measure LU-13.1.D)
- Alternative locations to the existing airport will be considered by the City for a general aviation airport within the General Plan Planning Area. The City's Airport Commission shall investigate alternative sites for an airport and provide recommendations including proposed development strategy to the City Council (Policy LU-14.1)
  - The criteria for siting a potential airport shall include the following:
    a. Access from existing City urban area.
    b. Surrounding uses and long-term absence of any potential conflicting land uses.
    c. Potential to aggregate parcels of land of sufficient size and orientation for airport development.
    d. Estimated cost of airport development and potential for funding development from non-city sources.
    e. Consistency with State and Federal aviation regulations.

Adopted General Plan Map

In order to attain general plan consistency with the proposed ALUCP, no direct conflicts should exist between planned land uses shown on each jurisdiction's general plan land use maps and the proposed ALUCP criteria. The compatibility zones depicted on Map CHO-3A, *Compatibility Policy Map*, together with the criteria listed in Table 3A, *Basic Compatibility Criteria*, of the proposed ALUCP are the primary policy instruments to be used in determining whether a general plan land use designation is consistent with the proposed ALUCP. See **Exhibits A** and **B** for a copy of ALUCP Map CHO-3A and Table 3A. Both the table and map take into account all four compatibility concerns: noise, safety, airspace protection and overflight. There are six compatibility zones proposed for Chowchilla Municipal Airport:

- Zone A – Runway Protection Zone
- Zone B1 – Inner Approach/Departure Zone
- Zone B2 – Sideline Zone
- Zone C1 – Outer Approach/Departure Zone

- Zone C2 – Primary Traffic Pattern Zone
- Zone D – Other Airport Environs

To identify potential conflicts with the proposed ALUCP, the proposed compatibility zones were overlaid onto the planned land use designations reflected in the County's and City's general plan maps (see **Exhibits 10A** and **10B**). The compatibility zones which could potentially prohibit or restrict future residential densities (dwelling units per acre) or non-residential usage intensities (people per acre) were compared to the allowable densities and intensities provided in the County's and City's general plan. A conflict would exist when the general plan densities would exceed the ALUCP density criteria (i.e., allow more residential units than would be permitted under the ALUCP). These land use conflicts can result in changes to future land use development patterns by shifting or "displacing" the location of that development to less restrictive areas of the Airport Influence Area or to other parts of the community where there are no ALUCP restrictions.

Displacement involves changes to the patterns of land use development that has not yet occurred. The ALUCP has no effect on existing land uses and no displacement of existing development will occur as a result of adoption of the ALUCP. The task of measuring displacement includes calculating how much new development can be built in the airport influence area in accordance with the provisions of the applicable county or city general plan, then compare that amount with how much development would be allowed under the restrictions of the ALUCP and the difference is the displacement.

The need to analyze displacement as part of the environmental impact analysis for adoption of an ALUCP stems from a 2007 California State Supreme Court Case, *Muzzy Ranch Co. v. Solano County Airport Land Use Commission*. Among other things, in its decision in that case the court found that "…placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction." While an ALUCP does not and need not determine where the displaced development would move to—and, indeed, ALUCs have no authority by which to make such a decision—the extent of the conflict that results in the displacement must be analyzed.

Below is a summary of the consistency findings for each of the two general purpose government entities having land use jurisdiction in the proposed Airport Influence Area. As summarized below, no significant conflicts exist between the adopted general plan maps and the ALUCP criteria. Also note that for the purposes of this consistency analysis, the general plan land use designations covering either the airport property or lands within Compatibility Zone D are excluded from the evaluation for the following reasons:

- The ALUC has no authority over the operation of Chowchilla Municipal Airport, including the types of aviation-related facilities to be provided on the airport. Although the ALUC's jurisdiction extends to reviewing proposed nonaviation development of airport property, the current (2010) FAA-approved Airport Layout Plan indicates that only aviation-related development is proposed at Chowchilla Municipal Airport. Therefore, no conflicts are anticipated for the airport property.

- The proposed ALUCP does not set limits on residential densities (dwelling units per acre) or usage intensities (number of people per acre) for nonresidential development in Zone D. Rather, the proposed ALUCP criteria recommends avoiding land use features that would create an airspace hazard (e.g., tall objects, bird attractants) and limiting bulk storage of hazardous materials on site. Therefore, no conflicts are anticipated within Zones D and E.

City of Chowchilla

Zone A

- Includes Light Industrial and Heavy Industrial designations. The proposed ALUCP would preclude new structures intended to be regularly occupied within Zone A. Nonetheless, the properties contain existing industrial uses and, thus, are not subject to the ALUCP unless expansion is proposed. No impact.

Zone B1

- Includes Light Industrial, Heavy Industrial, Public Facility and Service Commercial designations. These uses are generally consistent with the proposed ALUCP provided that future uses satisfy the ALUCP intensity limits and restrictions on storage of hazardous materials. Less than significant impact.

Zone B2

- Includes Light Industrial, Heavy Industrial, Public Facility, Service Commercial, Open Space and Medium High Density Residential designations. Although the Medium High Density Residential designation is inconsistent with the proposed ALUCP, the designation simply reflects the density of the established neighborhood. As such, the existing uses are not subject to the proposed ALUCP. The nonresidential uses are generally consistent with the proposed ALUCP provided that future uses satisfy the ALUCP intensity limits and restrictions on storage of hazardous materials. Less than significant impact.

Zone C1

- Includes the same types of uses located within Zone B2 with the addition of the Downtown Commercial designation. These uses either exist, and thus are not subject to the ALUCP, or are generally compatible with airport operations provided they satisfy the ALUCP intensity limits and restrictions on hazardous materials. Less than significant impact.

Zone C2

- Includes a mix of residential uses of varying densities. The proposed ALUCP does not restrict residential densities within Zone C2. The zone also includes a mix of nonresidential designations (i.e., commercial, industrial). These uses are generally consistent with the proposed ALUCP provided that future uses satisfy the ALUCP intensity limits and do not create airspace hazards. Less than significant impact.

County of Madera Land Use Designations

Zone C2 (no other ALUCP zones affect unincorporated lands).

- Includes Agriculture designation to the northeast and Agriculture Exclusive to the southeast. Both uses are generally consistent with the proposed ALUCP provided that future uses do not create airspace hazards. Less than significant impact.

Findings

Neither the County of Madera's nor the City of Chowchilla's adopted general plan policies and planned land use designations directly conflict with the proposed ALUCP policies for the areas within their land use authority at this time. Nevertheless, the County of Madera and City of Chowchilla will need to amend or supplement their general plans and/or other implementing ordinances to reflect the new ALUCP for Chowchilla Municipal Airport following its adoption. At a minimum, the agencies will be required to:

1. Reference the new ALUCP by name and adoption date;
2. Establish the process by which the local agency will follow when forwarding certain land use and airport actions to the ALUC for review;
3. Define the process by which the local agency will follow when reviewing proposed land use development within the Airport Influence Area to ensure that the development will be consistent with the polices set forth in the ALUCP; and
4. Incorporate the compatibility criteria, policies, and zones.

Following adoption by the ALUC, the County and the City would be required to make their existing general plans consistent with ALUC policies. While this will require some initial effort by local agency staff, this effect is administrative and considered to be less than significant.

c): See discussion under Biological Resources (f) for discussion regarding habitat conservation plans.

Mitigation

None required.

11. Mineral Resources

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Discussion

a – b): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of mineral resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to mineral resources.

Mitigation

None required.

12. Noise

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☐	☐	☐	☒
f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a – d, f): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of noise standards and sensitive receptors, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in exposing persons to noise or generating noise.

e): The proposed ALUCP is regulatory in nature; it does not propose any physical change to the environment. The ALUCP does not regulate the operation of aircraft or the noise produced by that activity. State law explicitly denies the ALUC authority over such matters. Pursuant to the State

Aeronautics Act, the purpose of the ALUCP is to minimize the public's exposure to aircraft noise within the airport vicinity. Therefore, adoption and implementation of the proposed ALUCP would not generate new sources of aviation-related noise or expose people residing and working in the vicinity of the airport to excessive noise.

Airport-related noise and its impacts on land uses were considered in the development of the proposed ALUCP. The noise contours from the currently adopted ALUCP (1993) are brought forward for use in the proposed ALUCP. The noise contours are described in terms of the Community Noise Equivalent Level (CNEL), the metric adopted by the State of California for land use planning purposes. In accordance with PUC Section 21675(a), the airport noise contours cover the requisite 20-year planning timeframe and represent approximately 21,000 annual aircraft operations which is more than double the current (2015) activity level.

The airport noise contours were one of four compatibility factors used to establish the compatibility zones for the proposed ALUCP. The ALUCP establishes criteria that reduce the potential exposure of people to excessive aircraft-related noise by limiting residential densities (dwelling units per acre) and other noise-sensitive land uses in locations exposed to noise levels greater than 60 dB CNEL. Thus, the proposed ALUCP would not expose people residing or working in the area to excessive noise levels.

Mitigation

None required.

13. Population and Housing

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

Potential Displacement of Future Housing

Jurisdictions are mandated by state law to accommodate their share of the regional housing needs (Government Code Section 65580). State law also requires jurisdictions to amend their respective general plans to be consistent with the ALUCP or to take special steps to overrule the ALUC (Public Utilities Code Section 21676(a)). Modifying a general plan for consistency with the ALUCP has the potential to restrict a jurisdiction's ability to satisfy its share of the regional housing needs, as an ALUCP may preclude or limit the future development of housing units within portions of the Airport Influence Area.

Impact Analysis

The purpose of this analysis is to determine whether the proposed ALUCP for Chowchilla Municipal Airport could impact the ability of the County of Madera or City of Chowchilla in meeting its share of the regional housing needs. As noted in Section 10, *Land Use and Planning* (see page 23), no planned residential land use designations associated with the County and City are impacted by the proposed ALUCP.

Mitigation

None required**.**

14. Public Services

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:				
i) Fire protection?	☐	☐	☐	☒
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Discussion

a.i – a.iv: See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of public services, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to listed government facilities or services.

a.v): Adoption and implementation of the proposed ALUCP would create a temporary increase in the staff workloads as a result of the state requirement to modify the local general plan to be consistent with the ALUCP. As described in Section 10 of this Initial Study, minor changes and/or additions would be needed to bring the County's and City's general plan into consistency with the proposed ALUCP. Over the long-term, procedural policies included in ALUCP will simplify and clarify the ALUC project review process, thereby reducing the workload for ALUC staff, County of Madera, and City of Chowchilla planning staffs.

Mitigation

None required.

15. Recreation

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a, b): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of recreational resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to recreation.

Mitigation

None required.

16. Transportation and Traffic

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., conflict with policies promoting bus turnouts, bicycle racks, etc.)?	☐	☐	☐	☒

Discussion

a – b, d – g): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of transportation systems, both known and

unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in any impacts to on-ground transportation and traffic.

c): Neither the ALUC nor the policies set forth in the proposed ALUCP have authority over airport operations. However, in accordance with state law, certain airport development proposals that could have off-airport compatibility implications are subject to ALUC review. Nonetheless, adoption and implementation of the proposed ALUCP will not result in any change to air traffic patterns at Chowchilla Municipal Airport.

Mitigation

None required.

17. Utilities and Service Systems

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a – g): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of utilities and service systems, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new

development, construction or physical change to the environment that would directly or indirectly result in any impacts to utilities and service systems.

Mitigation

None required.

18. Mandatory Findings of Significance

Would the proposed project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Have impacts that would be individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a, c): See Summary of Potential Environmental Effects (No. 11 on page 3). The proposed Airport Influence Area has the potential to contain a wide variety of environmental resources, both known and unknown. Because the proposed ALUCP is regulatory in nature; it does not propose any new development, construction or physical change to the environment that would directly or indirectly result in a substantial adverse effect on the environment or human beings or substantially degrade the environment.

b): The proposed ALUCP is regulatory and does not propose any physical changes to the environment. No displacement associated with future development would occur as a result of the adoption of this ALUCP. Although some staff effort will be required to revise the County and City general plans to implement the ALUCP, this effort will be temporary and result in a simplified review process following implementation.

In addition, the ALUCP addresses potential noise and safety impacts and other airport land use compatibility issues associated with potential future development that other public entities or private parties may propose within the Airport Influence Area. Therefore, adoption and implementation of

the ALUCP would prevent persons associated with future land use projects from being exposed to significant negative noise or safety hazards associated with living or working in the Airport Influence area. Adoption and implementation of the proposed ALUCP has no potential to create cumulatively significant environmental impacts.

Mitigation

None required.

[PROPOSED]

NEGATIVE DECLARATION

Chowchilla Municipal Airport Land Use Compatibility Plan

Project Name: Chowchilla Municipal Airport Land Use Compatibility Plan

Lead Agency: Madera County Airport Land Use Commission (ALUC)

Project Contact: Matt Treber, Deputy Planning Director
County of Madera
200 W. 4th Street, Suite 3100
Madera, CA 93637
Phone: (559) 675-7821
Email: matthew.treber@madera-county.com

Project Location (Latitude/Longitude: 37˚ 06' 47.8" N / 120 14' 49.2" W): The proposed project is located at the Chowchilla Municipal Airport and within the associated Airport Influence Area (AIA). The AIA is defined 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. For Chowchilla Municipal Airport, the proposed AIA boundary extends approximately 1 statute mile beyond the Airport's runway ends and encompasses lands within the City of Chowchilla and unincorporated areas of Madera County (see **Exhibit A** in the Initial Study). The project area includes lands that are designated for various uses including: additional industrial, commercial, and residential development.

Project Description: The proposed ALUCP will replace the current Airport Land Use Compatibility Plan for the Chowchilla Municipal Airport, which was adopted 1993. A copy of the proposed ALUCP for Madera County, which includes the ALUCP for Chowchilla Municipal Airport, is presented as **Attachment A** to the Initial Study.

The preparation of compatibility plans for public-use airports is required by the California State Aeronautics Act (Public Utilities Code Section 21670 *et seq*.). The purpose of the ALUCP is to promote compatibility between an airport and the land uses in its vicinity to the extent that these areas have not already been devoted to incompatible uses. The ALUCP establishes a set of compatibility criteria

that the ALUC will use to evaluate the compatibility of land use proposals within the airport vicinity, as well as long-range airport development plans.

The County of Madera and the City of Chowchilla have land use planning authority over most of the AIA, and these entities are expected to incorporate certain criteria and procedural policies from the proposed ALUCP into their general plans and zoning ordinances to ensure that future land use development will be compatible with the long-term operation of the Chowchilla Municipal Airport. Special districts, school districts and community college districts also must consider the ALUCP criteria in the development of district facility master plans. These local agencies (County, City, and districts) also have the option of overruling the ALUC in accordance with the steps defined by state law.

Neither the proposed ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or over state, federal, or tribal lands. No airport development or any other physical change to the environment is associated with the proposed project.

Potential Impacts: The proposed ALUCP is regulatory in nature, and neither the project—the adoption of the ALUCP—nor its subsequent implementation by local agencies will lead directly to development or to any physical change to the environment. The draft ALUCP does have the potential to indirectly cause a physical change in the environment by influencing future land use development patterns through the establishment of compatibility guidelines that are intended to prohibit or constrain certain types of development within specifically delineated areas. However, no significant impacts to environmental resources were identified during the analysis performed for the Initial Study (see attached).

Although the proposed ALUCP prohibits some specific land uses in certain locations, it does not prohibit new development in the vicinity of the Airport. The proposed ALUCP policies were reviewed and compared to the general plan policies for the County of Madera and the City of Chowchilla, and no direct conflicts were identified.

Based on the CEQA analysis performed, adoption and implementation of the proposed ALUCP will not create a potentially significant effect on the environment.

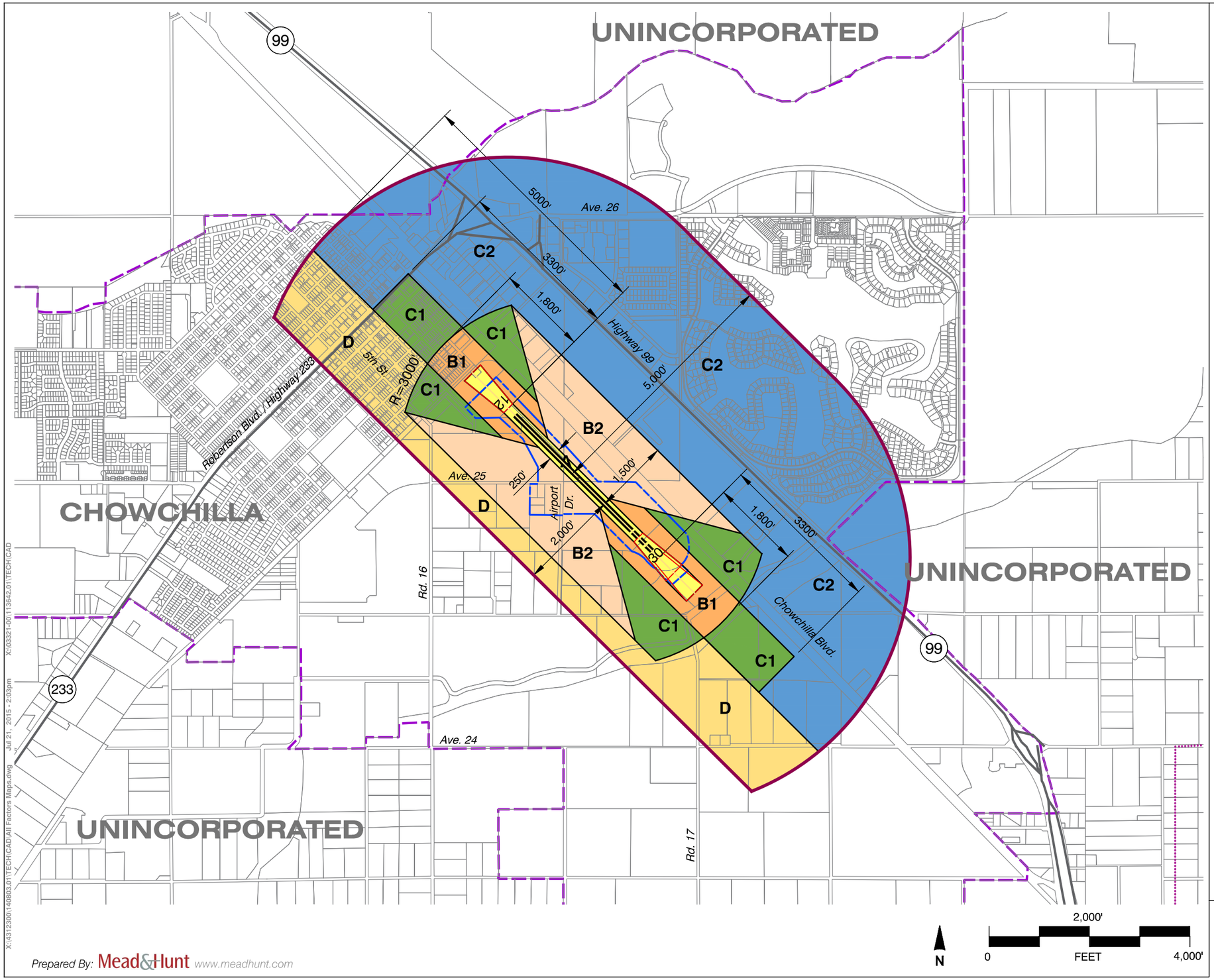
Mitigation Measures: No mitigation measures are proposed.

Proposed Finding: *Based on the Initial Study and in light of the whole record before the Commission, including comments received in response to this notice and the Initial Study, the Madera County Airport Land Use Commission finds that there is no substantial evidence that the proposed project may have a significant effect on the environment. This Initial Study/Negative Declaration reflects the Commission's independent judgment and analysis.*

_____ _____

Norman Allinder, Planning Director
Madera County Airport Land Use Commission

Date



Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft)[1]

A	Runway Protection Zone
B1	Inner Approach/Departure Zone
B2	Sideline Zone
C1	Outer Approach/Departure Zone
C2	Primary Traffic Pattern Zone
D	Other Airport Environs

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.

2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3A

Compatibility Policy Map

Chowchilla Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics							
Any use having more than 1 habitable floor [4]							B1, B2: Limited to no more than 2 habitable floors C1: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height							B1, B2, C1: Ensure airspace obstruction does not occur B1, B2, Height Review Overlay Zone: Airspace review required for objects >35 feet C1: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height							C2, D: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife							C1, C2, D: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]							
Outdoor Uses (no or limited indoor activities)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [7] A, B1, B2: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/retention ponds ✹							A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹							A: Not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹							B1, B2, C1, C2, D: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈							C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈							C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹							B1, B2, C1: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈							B1, B2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈							C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)							B1, B2, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses							
Single-Family residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈							B1, B2: 1 du/10 acres (average density); 4 du/single acre[8]; CNEL 45 dB max. interior noise level C1: 1 du/2 acres (average density); 4 du/single acre[8] B1: B2, C1: Locate dwelling outside zone where feasible or max. distance from extended runway centerline
Multi-Family Residential: townhouses, apartments condominiums ✈							
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈							
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]				0.46	1.38		C1, C2: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities ✈							

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Educational and Institutional Uses							
Family day care homes (≤14 children) [9] ✈							B1, B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈							
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.09	0.28		B2, C1, C2: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.10		C1, C2: Ensure intensity criteria met
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers, emergency/ homeless shelters ✈ [approx. 100 s.f./person]			0.23	0.23	0.69		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]			0.14	0.14	0.41		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈							
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.55	1.65		B2, C1, C2: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Penal Institutions: prisons, reformatories							
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C1: Allowed only if site outside zone would not serve intended function; ensure intensity criteria met
Commercial, Office, and Service Uses							
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, supermarket [approx. 110 s.f./person]				0.25	0.76		C1, C2: Ensure intensity criteria met

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]		0.08	0.14	0.14	0.41		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57	0.57	1.72		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.49	1.48		B1, B2, C1: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.46	1.38		B1, B2, C1, C2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking and other transportation fueling facilities							B1, B2, C1, C2: Ensure intensity criteria met B1, B2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons B1: Locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹							D: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹							C2, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]			0.46	0.46	1.38		B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	0.80			B1, B2, C1: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research and Development Laboratories [approx. 300 s.f./person]		0.41	0.69	0.69	2.07		B1, B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.38	2.30				B1, B2: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling							B1: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Mining and Extraction ✹							B1, B2, C1, C2: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Transportation Stations: Rail/bus stations; taxi, trucking and other transportation terminals							B1, B2, C1: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops							B1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures							B1: Ensure airspace obstruction does not occur

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Communications Facilities: broadcast and cell towers, emergency communications ✹							C1: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Power Plants: primary, peaker, renewable energy, bio-energy ✹							C2, D: Peaker and renewable energy plants allowed if structures located max. distance from extended runway centerline D: Primary plants allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline All: Ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Electrical Substations ✹							C1, C2: Locate structure max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Wastewater Facilities: treatment, disposal ✹							C1, C2: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Disposal Facilities: landfill, incineration ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Transfer Facilities, Recycle Centers ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]

Table 3A, continued

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

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.1 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See *Policy 3.5.3(a)* for criteria.

[1] Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). 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 (see *Policy 3.4.2(e)*). Exceptions can be made for rare special events (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see *Policy 3.7.4)*. The usage intensities shall be calculated in accordance with the methodologies cited in Policy 3.4.3 and 3.4.4.

[2] Open land requirements are intended to be applied with respect to an entire zone (see *Policy 3.4.9)*. This is typically accomplished as part of a local general plan or specific plan, but may also apply to large (10 acres or more) development projects.

[3] Occupancy Load Factors [approx. number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These Occupancy Load Factors differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See *Policy 3.4.3.*

[4] The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.

[5] No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. *See Policy 3.5.3(a)(6).*

[6] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. *See Policy 3.5.3(a).*

[7] Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway. See *Airport* maps in Chapters 4 through 5.

[8] Clustering of residential development is permitted. However, no single acre of a project site shall exceed the indicated number of dwelling units per acre. See Policy 3.4.9(d).

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

Table 3A, continued

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1

Introduction

OVERVIEW

This *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)* contains the individual *Compatibility Plan* for each of the two public-use airports in Madera County:

- Chowchilla Municipal Airport
- Madera Municipal Airport

The Madera County Planning Commission plus two aviation experts function as the Madera County Airport Land Use Commission (*ALUC*) for the two airports in Madera County. As adopted by the *ALUC*, the basic function of this *ALUCP* is to promote compatibility between these airports and future land use development in the surrounding areas. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to new development around each airport. Additionally, the *ALUCP* serves as a tool for use by the *ALUC* in fulfilling its duty to review plans, regulations, and other actions of local agencies and airport operators for consistency with the *ALUCP* criteria. Neither this *ALUCP* nor the *ALUC* have authority over existing land uses or over the operation of the airports.

The *Airport Influence Area* for each of the airports, as defined herein, extends roughly 1 to 2.5 miles from the airport runways. These influence areas encompass lands within three local government jurisdictions in Madera County:

- County of Madera
- City of Chowchilla
- City of Madera

These three local government jurisdictions—together with, any city, special district, school district, or community college district in Madera County that exists or may be established or expanded into any of the two *Airport Influence Areas* defined by this *ALUCP*—are subject to the provisions of the plan.[1]

[1] *Public Utilities Code Section 21670(f).*

AIRPORT LAND USE COMMISSION REQUIREMENTS

The creation of *ALUCs* and the preparation of *ALUCPs* are requirements of the California State Aeronautics Act.[2] Provisions for creation of *ALUCs* were first established under state law in 1967 (see Appendix A for a copy of the current statutes). With limited exceptions, an *ALUC* is required in every county in the state. Furthermore, an *ALUCP* is required for each public-use and military airport in the state even in instances where an *ALUC* is not established.

ALUC Powers and Duties

The fundamental purpose of *ALUCs* is to promote land use compatibility around airports. 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."[3]

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

1. *ALUCs* must prepare and adopt an *ALUCP*;
2. *ALUCs* must review the general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies for consistency with the policies and criteria in the *ALUCP*; and
3. *ALUCs* must review airport operators' proposed master plans and other airport development plans—such as, proposed nonaviation development of airport property that does not directly serve the flying public—to determine if those plans are consistent with the *ALUCP* or if modifications should be made to the *ALUCP* to reflect current airport planning.

ALUC Limitations

Two specific limitations on the powers of *ALUCs* are set in the statutes. First, as indicated above, is that *ALUCs* have no authority over areas "already devoted to incompatible uses."[4] The common interpretation of this clause is that *ALUCs* have no jurisdiction over existing land uses even if those uses are incompatible with airport activities. An *ALUC* cannot, for example, require that an existing incompatible use be converted to something compatible.

The second explicit limitation is that *ALUCs* have no "jurisdiction over the operation of any airport."[5] This limitation includes anything concerning the configuration of runways and other airport facilities, the types of aircraft operating at the airport, or where they fly.

Additionally, the authority of the *ALUC* does not extend to federal, state, tribal, or neighboring county lands in accordance with the provisions of the state *ALUC* statutes.

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[2] *The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670-21679.5 of the California Public Utilities Code (PUC).*
[3] *Public Utilities Code Section 21670(a)(2).*
[4] *Public Utilities Code Section 21674(a).*
[5] *Public Utilities Code Section 21674(e).*

AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS

ALUCP Guidelines

With respect to airport land use compatibility criteria, the statutes say little. Instead, a section of the law enacted in 1994 refers to another document, the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics. Specifically, the statutes say that, when preparing *ALUCPs* for individual airports, *ALUC*s "shall be guided by information"[6] in the *Handbook*. The statutes provide similar language indicating that local agencies "shall be guided" by the Handbook criteria before granting building permits.[7] The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports.

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and the California Environmental Quality Act (CEQA). The Public Resources Code requires lead agencies to use the *Handbook* as "a technical resource" when preparing CEQA documents assessing airport-related noise and safety impacts of projects located in the vicinity of airports.[8]

The policies and maps in this *ALUCP* rely upon the guidance provided by the current edition of the *Handbook* (October 2011). The October 2011 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

ALUCP Relationship to Airport Master Plans

ALUCPs are distinct from airport master plans, airport layout plans, and other types of airport development plans, but they are closely connected to them. An airport layout plan is a drawing showing existing facilities and planned improvements. Airport master plans primarily address on-airport issues. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. A typical airport master plan includes an airport layout plan, but also provides textual background data, a discussion of activity forecasts, and an examination of alternatives along with a detailed description of the proposed development. Airport layout plans and airport master plans are prepared for and adopted by the entity that owns and/or operates the airport. Most large, publicly owned airports have an airport master plan, but many smaller or private airports do not.

In contrast to airport layout plans and airport master plans, the focus of which is normally on on-airport concerns, airport land use compatibility plans mostly address off-airport issues. The major purpose of an *ALUCP* is to ensure that incompatible development does not occur on lands surrounding the airport. *ALUCPs* are required to reflect the planned airport development and anticipated activity at

[6] *Public Utilities Code Section 21674.7(a).*
[7] *Public Utilities Code, Section 21674.7(b)* states that "It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division…"
[8] *Public Resources Code Section 21096.*

least 20 years into the future. The responsibility for preparation and adoption of compatibility plans lies with each county's *ALUC*.

The principal connection between the two types of plans stems from the California Public Utilities Code. The statutes require that *ALUC* plans must be based upon a long-range airport master plan adopted by the airport owner/proprietor or, if such a plan does not exist or is outdated for a particular airport, an airport layout plan may be used with the acceptance of the Division of Aeronautics.[9]

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

ALUCP Airport Activity Forecasts

In addition to the requirement that an *ALUCP* be based upon the adopted airport master plan or state-approved airport layout plan, the Public Utilities Code says that an *ALUCP* must reflect "the anticipated growth of the airport during at least the next 20 years."[11] Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

> "For compatibility planning, however, 20 years may be shortsighted. For most airports, a lifespan of more than 20 years can reasonably be presumed. Moreover, the need to avoid incompatible land use development will exist for as long as an airport exists. Once development occurs near an airport, it is virtually impossible—or, at the very least, costly and time consuming—to modify the land uses to ones that are more compatible with airport activities."[12]

Chapters 4 through 5 describe the activity forecasts upon which the *ALUCPs* for Chowchilla Municipal and Madera Municipal Airports are based.

ALUCP IMPLEMENTATION REQUIREMENTS

Relationship of the ALUC to County and City Governments of Madera County

The fundamental relationship between the *ALUC* and the governments of Madera County and the cities affected by this *ALUCP* is set by the Public Utilities Code. For the most part, *ALUCs* act independently from the local land use jurisdictions. The *ALUC* is not simply an advisory body for the Board of Supervisors or City Councils in the manner that their respective planning commissions are. Rather, the *ALUC* is an autonomous agency and is more equivalent to the Madera County Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the *ALUC* are final and are independent of the Madera County Board of Supervisors or City Councils. The *ALUC* does not need county or city approval in order to adopt this *ALUCP* or to carry out *ALUC* land use

[9] *Public Utilities Code Section 21675(a).*
[10] *Public Utilities Code Section 21676(c).*
[11] *Public Utilities Code Section 21675(a).*
[12] *Handbook*, p. 3-5.

project review responsibilities. The *ALUC* must, however, consult with the involved agencies when establishing *Airport Influence Area* boundaries.[13]

The responsibility for implementation of the *ALUC*-adopted *ALUCP*, however, rests with the affected local agencies. The Government Code establishes that each county and city affected by an *ALUCP* must make its general plan and any applicable specific plans consistent with the *ALUC's* compatibility plan.[14] Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code and described later in this chapter to overrule the *ALUC* policies.[15]

The other responsibility of local agencies is to refer their plans and certain other proposed land use actions to the *ALUC* for review so that the *ALUC* can determine whether those actions are consistent with its *ALUCP*. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be referred to the *ALUC*. However, other actions, such as those associated with individual development proposals, are subject to *ALUC* review only until such time as the agency's general plan and specific plans have been made consistent with the *ALUC's* plan or the agency has overruled the *ALUC*.[16]

General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an *ALUC's* planning area to modify its general plan and any affected specific plans to be consistent with the *ALUCP*. The law says that the local agency must take this action within 180 days of when the *ALUC* adopts or amends its plan.[17] The only other course of action available to local agencies is to overrule the *ALUC* using the process outlined in the next section.

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

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

Compatibility planning issues can be reflected in a general plan in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.
- **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan

[13] *Public Utilities Code Section 21675(c).*
[14] *Government Code Section 65302.3.*
[15] *Public Utilities Code Section 21676.*
[16] *Public Utilities Code Section 21676.5(a).*
[17] *Government Code Section 65302.3(b).*

also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.

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

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

Overruling ALUC Decisions

If an *ALUC* has determined that a local agency's general plan is inconsistent with the *ALUCP* and the local agency wishes to adopt the general plan anyway, then it must overrule the *ALUC*. The statutes are explicit in defining the steps involved in the overrule process. This same process also applies if the local agency intends to overrule the *ALUC* with regard to a finding of inconsistency on proposed adoption or approval of a specific plan, zoning ordinance or building regulation; or an airport master plan; or an individual development proposal for which *ALUC* review is mandatory.[18] The steps that a local agency must take to overrule the *ALUC* are set by state law and court decisions and summarized below. Further discussion is contained in the *Handbook*.

Specific Findings by Local Agency—When overruling the ALUC, the *Local Agency* must make specific findings that the proposed *Action* is consistent with the purposes of the *ALUC* statutes as set forth in Public Utilities Code Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the *Local Agency* must make specific findings that the proposed project will not:

- Impair the orderly, planned expansion of the airport;
- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or

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

- Expose the public to excessive noise and safety hazards.

Notification and Voting Requirements—In accordance with the *ALUC* statutes, the *Local Agency* must do all of the following:

- Provide to the *ALUC* and the California Division of Aeronautics a copy of the proposed decision and findings to *Overrule* the *ALUC* at least 45 days prior to the hearing date.
- Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
- Include in the public record of any final decision to *Overrule* the *ALUC* any comments received from the *ALUC*, California Division of Aeronautics, Federal Aviation Administration (FAA), or public.
- Make a decision to *Overrule* the *ALUC* by a two-thirds vote of its governing body.

Liability—The *ALUC* statutes indicate that if a *Local Agency* other than the *Airport* owner *Overrules* the *ALUC*, the agency owning and operating the airport "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the *Local Agency's* decision to *Overrule* the *ALUC's* compatibility determination or recommendation" [19]

COMPATIBILITY PLANNING IN MADERA COUNTY

Madera County ALUC

In accordance with state law, t~~T~~he Madera County Planning Commission plus two aviation experts currently function as the *Madera County Airport Land Use Commission* (*ALUC*).[20] The Madera County Planning Director currently serves as the *ALUC* secretary with support from department staff.

The *ALUC* is responsible for preparing and adopting the *ALUCP* for Chowchilla and Madera Municipal Airports. This *ALUCP* replaces an earlier plan—Airport Land Use Compatibility Plan, Madera County Airports—which the *ALUC* adopted for the airports in 1993.

Airport Plans for Madera County Airports

The two airports addressed by this *ALUCP* are both public-use general aviation facilities. In accordance with state law, the current and planned physical features and operational characteristics of each airport having implications for land use compatibility have been taken into account in the preparation of this *ALUCP*. The aeronautical factors upon which this *ALUCP* is based are summarized in Chapters 4 and 5.

[19] See *Public Utilities Code Sections 21678* and *21675.1(f)*.

[20] *Public Utilities Code Section 21670.1(a)* provides for the option of designating an existing government body (e.g., planning commission) to assume the planning responsibilities of an ALUC in lieu of establishing a separate commission. The designated body must have at least two members with aviation expertise or, when serving as the ALUC, be augmented to have two members thus qualified (PUC Section 21670.1(b)).

ALUCP Development Process

As required by California state law, the *Handbook* provides guidance for the compatibility policies set forth in this *ALUCP*. The *Handbook* was used both to structure and define compatibility criteria and to establish the procedures to be followed by the *ALUC* and local agencies in implementation of the criteria.

The aeronautical data serving as the foundation of this *ALUCP* is based upon airport layout plans showing existing and proposed airport improvements over the requisite 20-year planning timeframe. With respect to aircraft activity projections, the *ALUCP* again relies upon data obtained from each airport regarding historic, current, and projected operations.

Additionally, a Technical Advisory Group was established specifically for the *ALUCP* update project. The group's primary membership consisted of Madera County/*ALUC* staff, representatives from each of the two public-use airports covered by this plan (Chowchilla Municipal and Madera Municipal Airports), and planning staff from the Cities of Chowchilla and Madera.

The Technical Advisory Group assisted with providing airport and land use data, reviewing discussion papers and draft materials, and providing technical input for consideration in the administrative draft plan. Additionally, the group was charged with keeping their respective local jurisdictions informed of the *ALUCP* Update progress.

ALUCP Contents

This *ALUCP* is organized into five chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for Madera County in particular. Chapters 2 and 3 present *ALUC* procedural policies and compatibility policies applicable uniformly to each airport. Chapters 4 and 5 present airport and land use background information regarding each of the airports in alphabetical sequence.

Also included in this document are a set of appendices containing a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is mostly taken from other sources and does not represent *ALUC* policy except where cited as such in Chapters 2 through 4.

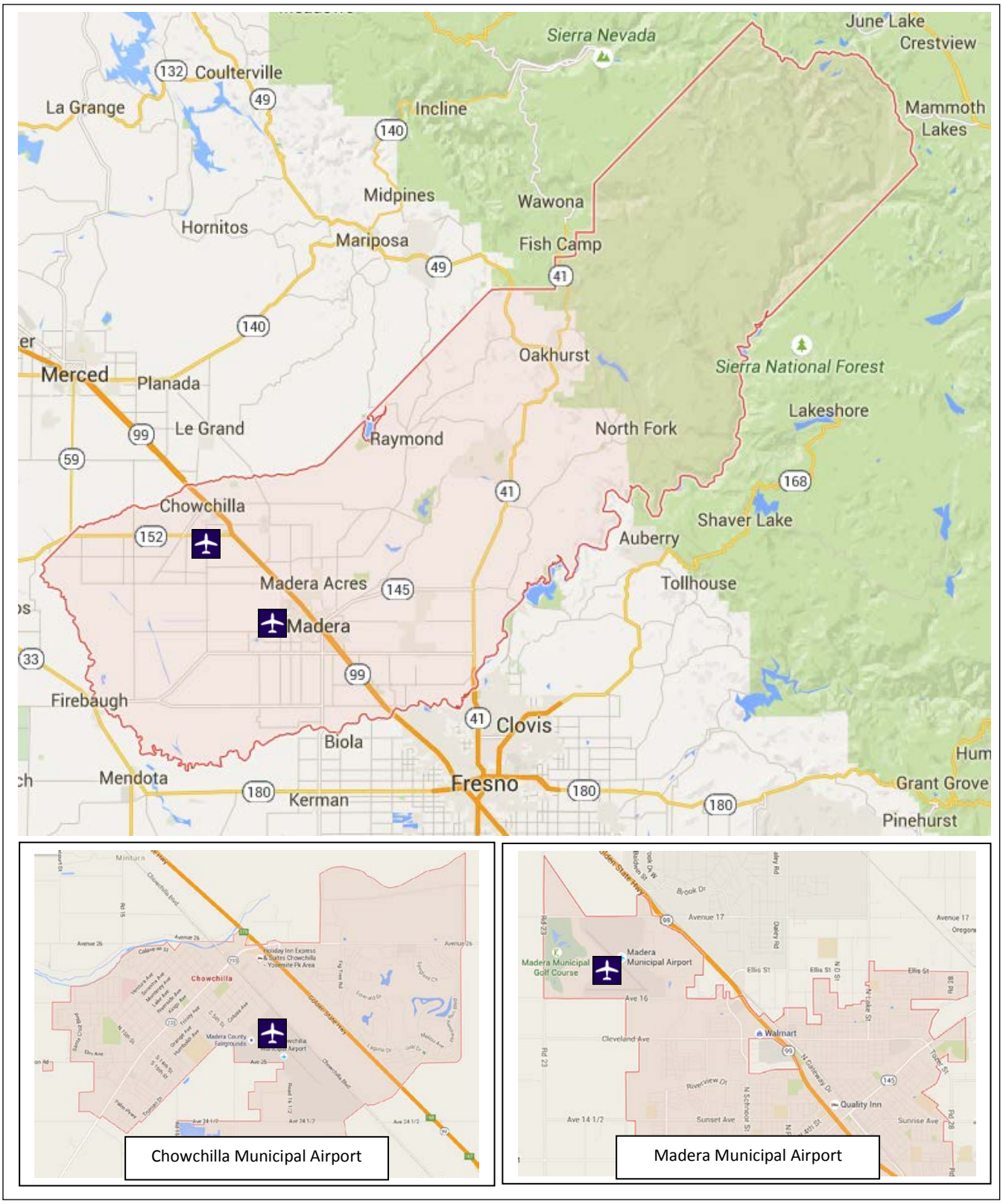

Exhibit 1A

Location Map

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Procedural Policies

1. GENERAL APPLICABILITY

1.1. Definitions

The following definitions apply for the purposes of the policies set forth in this *ALUCP*. In addition, general terms pertaining to airport and land use planning are defined in the *Glossary* (Appendix F).

~~1.1.1. *Actions/Projects/Proposals:* Terms similar in meaning and all referring to the types of airport and land use planning and development activities (permanent or temporary), either publicly or privately sponsored, that are subject to the provisions of this *ALUCP*. Other terms with similar meaning include *Land Use Actions* and *Airport Actions*.~~

~~1.1.2.~~1.1.1. *Aeronautics Act:* Except as indicated otherwise, the article of the California Public Utilities Code (Section 21670 *et seq.*) pertaining to airport land use commissions and airport land use compatibility plans (also known as the *California State Aeronautics Act*).

~~1.1.3.~~1.1.2. *Airport:* The Chowchilla Municipal Airport, Madera Municipal Airport or any new public-use or military airport that may be created within Madera County.

1.1.3. *Airport Action:* Includes plans for the construction of new airports and heliports[1], expansion of existing airports and heliports[2] and updates to airport master plans and airport layout plans.[3] See Policy 2.1.4 for *Airport Actions* always requiring *ALUC* review.

1.1.4. *Airport Expansion.* As used in the statutes, *Airport Expansion* includes construction of a new runway, extension or realignment of an existing runway, acquisition of runway protection zones or acquisition of any interest in land for the purposes identified above.[4] Also see Policy 2.1.4(b).

~~1.1.4.~~1.1.5. *Airport Influence Area/Referral Area:* An area, as delineated herein, in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The *Airport Influence*

[1] *Public Utilities Code Section 21661.5.*
[2] *Public Utilities Code Section 21664.5.*
[3] *Public Utilities Code Section 21676(c).*
[4] *Public Utilities Code Section 21664.5.*

Area constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with the policies herein.

~~1.1.5.~~1.1.6. *Airport Land Use Commission (ALUC):* The Madera County Planning Commission plus two aviation experts, or a legally established successor agency, acting in its capacity as the *ALUC* for Madera County. The *ALUC* is an autonomous entity whose decision-making powers are independent of the County Board of Supervisors and other local agencies. The *ALUC* is established in accordance with the mandates of the California State Aeronautics Act.[5] The Madera County Planning Department currently serves as the *ALUC* staff.

~~1.1.6.~~1.1.7. *Airport Land Use Commission Secretary:* The Madera County Planning Director or a person designated by the Director with the concurrence of the *ALUC* Chairperson.

~~1.1.7.~~1.1.8. *Airport Proximity Disclosure:* A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an *Airport* and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the *Airport*. See Policy 3.6.2 for applicability. Also see Policy 1.1.27~~1.1.25~~ for a related buyer awareness tool, *Recorded Overflight Notification*.

~~1.1.8.~~1.1.9. *Airspace Protection Surfaces/Plans/Zones:* Imaginary surfaces in the airspace surrounding an *Airport* defined in accordance with criteria set forth in Federal Aviation Regulations Part 77.[6] These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of an *Airport*. The *Airspace Protection Surfaces* are depicted in the *Airspace Protection Plan* for the *Airports* addressed by this *ALUCP* and are presented in Chapter 3.

~~1.1.9.~~1.1.10. *ALUCP/Compatibility Plan:* This document, the *Madera County Airport Land Use Compatibility Plan (ALUCP)*.

~~1.1.10.~~1.1.11. *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, but are not limited to, runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc. Hotels or other commercial/industrial facilities on airport property do not qualify as an *Aviation-Related Use*.

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[5] *Public Utilities Code Section 21670.1(a)* provides for the option of designating an existing government body (e.g., planning commission) to assume the planning responsibilities of an *ALUC* in lieu of establishing a separate commission. The designated body must have at least two members with aviation expertise or, when serving as the *ALUC*, be augmented to have two members thus qualified (PUC Section 21670.1(b)).

[6] Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions. Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of the Federal Aviation Regulations Part 77 is available at www.ecfr.gov)

~~1.1.11.~~1.1.12. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees, etc. (see Policy 3.7.1).

~~1.1.12.~~1.1.13. *Community Noise Equivalent Level (CNEL):* The noise metric adopted by the State of California for land use planning purposes, including describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same *CNEL* value.

~~1.1.13.~~1.1.14. *Compatibility Zone:* Any of the zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* in Chapter 3 for the purposes of assessing land use compatibility within the *Airport Influence Area* defined herein (See Policy 3.2.3).

~~1.1.14.~~1.1.15. *Density:* The number of dwelling units per acre. *Density* is used in this *ALUCP* as the measure by which proposed residential development is evaluated for compliance with noise and safety compatibility criteria. *Density* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.20~~1.1.19~~ for definition of nonresidential *Intensity*.

~~1.1.15.~~1.1.16. *Existing Land Use:* A land use that either physically exists or for which *Local Agency* commitments to the proposal have been obtained entitling the project to move forward (see Policy 1.5.3).

~~1.1.16.~~1.1.17. *Existing Nonconforming Use:* An *Existing Land Use* that does not comply with the compatibility criteria set forth in this *ALUCP*. See Policies 1.5.3(d) and 3.7.2 for criteria applicable to *Land Use Actions* involving *Nonconforming Uses*.

~~1.1.17.~~1.1.18. *Federal Aviation Regulations Part 77:* The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions (see Section 3.5). Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of Federal Aviation Regulations Part 77 is available at www.ecfr.gov; also see *Glossary*).

~~1.1.18.~~1.1.19. *Handbook:* The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics in October 2011. The *Handbook* provides guidance to *ALUCs* for the preparation, adoption, and amendment of *ALUCPs*.

~~1.1.19.~~1.1.20. *Intensity:* The number of people per acre. *Intensity* is used in this *ALUCP* as the measure by which most proposed *Nonresidential Development* is evaluated for compliance with safety compatibility criteria. Sitewide average *Intensity* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.15~~1.1.14~~ for definition of residential *Density*.

1.1.21. *Land Use Action:* Includes land use proposals, either publicly or privately sponsored, that are subject to the provisions of this *ALUCP*. See Policy 2.1.1 for *Land Use Actions* always requiring *ALUC* review.

~~1.1.20.~~1.1.22. *Local Agency:* Any county, city, or other local governmental entity such as a special district, school district, or community college district—including any future city or district—having any jurisdictional territory lying within the *Airport Influence Area* as defined

by this *ALUCP*. These entities are subject to the provisions of this *ALUCP* (see Section 1.4).

~~1.1.21.~~1.1.23. *Noise-Sensitive Land Uses:* Land uses for which the associated primary activities, whether indoor or outdoor, are susceptible to disruption by loud noise events. The most common types of noise sensitive land uses include, but are not limited to: residential, hospitals, nursing facilities, intermediate care facilities, educational facilities, libraries, museums, places of worship, child-care facilities, and certain types of passive recreational parks and open space.

~~1.1.22.~~1.1.24. *Object Free Area (OFA):* An area on the ground surrounding an airport runway within which the Federal Aviation Administration (FAA) prohibits all objects except certain ones necessary for aircraft navigation or maneuvering. The *OFA* dimensions to be applied for the purposes of this *ALUCP* are as established by the FAA.

~~1.1.23.~~1.1.25. *Overrule:* An action that a *Local Agency* can take in accordance with provisions of state law if the *Local Agency* wishes to proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, approval or modification of a facility master plan, or modification of an airport master plan[7] affecting the *Airport Influence Area* in spite of an *ALUC* finding that the *Action* is inconsistent with this *ALUCP*. See Section 2.5 for process required to *Overrule* the *ALUC*.

~~1.1.24.~~1.1.26. *Reconstruction*: The rebuilding of an *Existing Nonconforming* structure that has been fully or partially destroyed as a result of a calamity (not planned *Reconstruction* or *Redevelopment*). See Policy 3.7.3 for development conditions associated with *Reconstruction* projects.

~~1.1.25.~~1.1.27. *Recorded Overflight Notification:* A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *Avigation Easement* (see Policy 1.1.12~~1.1.11~~), a *Recorded Overflight Notification* does not convey property rights from the property owner to the *Airport* and does not restrict the height of objects. See Policy 3.6.1 for applicability. Also see Policy 3.6.2 for a related buyer awareness tool, *Airport Proximity Disclosure*.

~~1.1.26.~~1.1.28. *Redevelopment:* Any new construction that replaces the existing use of a site, particularly at a *Density* or *Intensity* greater than that of the *Existing Land Use*. *Redevelopment* projects are subject to the provisions of this *ALUCP* to the same extent as other forms of proposed development. A new use proposed within an existing facility is not considered *Redevelopment* and is not subject to this *ALUCP*, unless discretionary action by the *Local Agency* (e.g., general plan/zoning amendment, additional parking) is required.

~~1.1.27.~~1.1.29. *Risk-Sensitive Land Uses:* Land uses that represent special safety concerns irrespective of the number of people associated with the use (see Policy 3.4.8). Specifically: uses with vulnerable occupants; hazardous materials storage; or critical community infrastructure.

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

1.2. ALUCP Overview

1.2.1. *ALUC*: The Madera County Planning Commission plus two aviation experts is currently designated as the *ALUC* for Madera County in accordance with the provisions of California State law.[8]

1.2.2. *ALUCP:* With limited exceptions, California law requires an *ALUCP* for each public-use and military airport in the state. The basic purpose of this document, the *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)*, is to establish the procedures and criteria applicable to airport land use compatibility planning in the vicinity of Chowchilla Municipal Airport and Madera Municipal Airport or any new public-use or military airport that may be established within Madera County. The *ALUCP* is prepared in accordance with the requirements of the California State Aeronautics Act[9] and guidance provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation, Division of Aeronautics in October 2011.

1.2.3. *Effective Date:* The policies herein are effective as of the date that the *ALUC* adopts the *ALUCP*.

(a) The effective date of this *ALUCP* is: [adoption date to be inserted]

(b) The previous *ALUCP* for the *Airports*—referred to as the *Airport Land Use Compatibility Plan, Madera County Airports*—was adopted by the *ALUC* in December 1993. The 1993 plan shall remain in effect until the *ALUC* adopts this *ALUCP*.

(c) Any project or phase of a project that has received *Local Agency* approvals sufficient to qualify it as an *Existing Land Use* (see Policies 1.1.16~~1.1.15~~ and 1.5.3) prior to the date of the *ALUC's* adoption of this *ALUCP* shall not be required to comply with the policies herein. Rather, the policies of the 1993 plan shall apply.

1.2.4. *Use by ALUC:* The *ALUC* shall:

(a) Formally adopt this *ALUCP*.[10]

(b) When a *Local Agency* refers a *Land Use Action or Airport Action* to the *ALUC* for review as provided by Section 2.1, make a determination as to whether such *Action* is consistent with the criteria set forth in this *ALUCP*.

1.2.5. *Fees:* Fees shall be established by the *ALUC* for the purpose of defraying costs of providing *ALUC* services.[11] Any fees established by the *ALUC* shall be reviewed annually by the *ALUC* or upon recommendation of the *ALUC Secretary*, and adjusted as necessary.

1.2.6. *Examples:* Where an example is used in this *ALUCP*, such example or examples are provided for purposes of illustration only and any such example or set of examples are not intended nor shall such be construed as an exhaustive list of the subject matter to which it corresponds.

[8] *Public Utilities Code Section 21670.1.*
[9] *Public Utilities Code Section 21670 et seq.*
[10] In accordance with *Public Utilities Code Section 21674(c).*
[11] *Public Utilities Code Section 21671.5(f)* allows for ALUCs to charge fees for project reviews.

1.3. Geographic Scope

1.3.1. *Airport Influence Area*: The *Airport Influence Area* addressed by this *ALUCP* encompasses all lands on which the uses could be negatively affected by current or future aircraft operations at the *Airport* as well as lands on which the uses could negatively affect airport usage and thus necessitate restriction on those uses.[12]

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

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

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

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

(4) Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.

(b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the *ALUC* shall consider in reviewing land use projects.

1.3.2. *Airport Growth Assumptions:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* reflects the existing configuration of the *Airport*, planned ~~a~~*Airport* ~~e~~*Expansion* and projected aircraft activity covering the requisite 20-year planning horizon.[13] Chapters 4 and 5 document the aeronautical assumptions upon which this *ALUCP* is based for Chowchilla Municipal Airport and Madera Municipal Airport, respectively.

1.3.3. *Referral Area:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with this *ALUCP*. See Section 2.1 for the types of *Actions* subject to *ALUC* review.

1.4. ALUCP Implementation Responsibilities for Affected Local Agencies

1.4.1. *Affected Local Agencies:* The policies of this *ALUCP* shall apply to each of to the following *Local Agencies* (see Policy 1.1.21~~1.1.20~~) in Madera County having jurisdiction over lands within all or parts of an *Airport Influence Area* defined by this *ALUCP;* specifically:

(a) County of Madera.

(b) Cities of Chowchilla and Madera.

(c) Any existing or future special districts, school districts, or community college districts within Madera County to the extent that the district boundaries extend into an *Airport Influence Area*.

[12] The basis for delineating the *Airport Influence Area* is set by state law in *Business and Professions Code Section 11010*.
[13] See *Public Utilities Code Section 21675(a)*.

(d) Any future city within Madera County that may be incorporated within an *Airport Influence Area*.

1.4.2. *Attain Consistency with the ALUCP:* Affected *Local Agencies* shall modify their respective general plans, applicable specific plan(s), zoning ordinance and building regulations to be consistent with the policies and criteria set forth in this *ALUCP*.[14]

1.4.3. *Referring Land Use Actions*: Affected *Local Agencies* shall refer the *Land Use Actions* specified in Section 2.1.

1.4.4. *ALUCP Consistency Evaluations of Land Use Actions:* Except those *Land Use Actions* requiring *ALUC* review as specified in Section 2.1, affected *Local Agencies* shall conduct their own consistency evaluations for individual development projects proposed for sites within an *Airport Influence Area* by utilizing the *ALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan and zoning ordinance. The *Local Agency* and its staff are responsible for ensuring that a development continues to comply with *ALUCP* criteria on an on-going basis following completion of the project (i.e., usage *Intensity* and height limitations in particular).

1.4.5. *Referral of Airport Actions:* Public or private entities owning an existing *Airport* or proposing to construct a new public or private airport or heliport shall refer the *Airport Actions* specified in Section 2.1.

1.4.6. *Use by Districts:* Special districts, school districts, and community college districts shall apply the policies of this *ALUCP* when creating facility master plans and making other planning decisions regarding the proposed development of lands under their control (i.e., through land acquisition or lease) with the *Airport Influence Area*.

1.4.7. *Referencing ALUCP in CEQA Documents:* Affected *Local Agencies* preparing an environmental document for any project within the *Airport Influence Area* shall address the compatibility criteria contained in this *ALUCP* in addition to referencing guidance from the *Handbook*.[15]

1.5. Limitations of the ALUC and this ALUCP

1.5.1. *Airport Operations:* In general, neither the *ALUC* nor this *ALUCP* have authority over the planning and design of on-airport facilities or over *Airport* operations including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.[16] Exceptions to this limitation are as follows:

(a) State law requires *ALUC* review of airport master plans and certain *Airport ~~e~~Expansion* plans to the extent that future *Airport* activities could have off-airport land use compatibility implications (see Policy 2.1.4).[17]

[14] *Public Utilities Code Section 21676(a)* specifically requires general plan consistency. Because specific plans and zoning ordinances are also subject to *ALUC* review, the consistency requirement also extends to them.

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

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

[17] See *Public Utilities Code Sections 21676(c) and 21664.5*.

(b) Nonaviation development of *Airport* property is subject to the *ALUCP* criteria in the same manner that *Land Use Actions* involving off-airport property are required to be consistent with the *ALUCP* criteria.

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

1.5.3. *Existing Land Uses:* The policies of this *ALUCP* do not apply to *Existing Land Uses.*[18] A land use is considered to be "existing" when one or more of the below conditions has been met prior to the adoption date of this *ALUCP* by the *ALUC*.

(a) Qualifying Criteria: An *Existing Land Use* is one that either physically exists or for which certain *Local Agency* commitments to the proposal have been obtained. For the purposes of this *ALUCP,* the *ALUC* considers the following *Land Use Actions* to have a vested right to proceed with the development:[19]

(1) A valid building permit has been issued and not yet expired;

(2) A development agreement has been approved and remains in effect;

(3) A use permit (e.g., conditional use permit) has been approved and not yet expired;

(4) A vesting tentative map has been approved and not yet expired;

(5) A tentative map (subdivisions creating 5 or more parcels or condominiums) or parcel map have been approved and not yet expired; and

(6) A final subdivision map has been recorded.

(b) Expiration of *Local Agency* Commitment: If a *Local Agency*'s commitment to a development proposal, as set forth in Paragraph (a) of this policy, expires, the proposal will no longer qualify as an *Existing Land Use*. As such, the proposal shall be subject to the policies of this *ALUCP*.

(c) Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *ALUCP* criteria established in Section 3 in Chapter 3.

(d) *Existing Nonconforming Uses*: The *ALUC* has no authority over *Existing Nonconforming Uses* nor the ability to compel *Local Agencies* to reduce or remove *Existing Nonconforming Uses* from the airport environs. Proposed changes to uses within existing structures are subject to the *ALUCP* criteria if the changes require discretionary action by the *Local Agency* and would result in an increased nonconformity with the compatibility criteria (see Policy 3.7.2). Proposed *Redevelopment* (see definition in Policy 1.1.28~~1.1.26~~) is, however, subject to conformance with the *ALUCP* criteria the same as new development.

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

[19] Vested means "the irrevocable right to complete construction notwithstanding an intervening change in the law that would otherwise preclude it." ([*McCarthy v. California Tahoe Regional Planning Agency*, (1982) 129 Cal.App.3d 222, 230 (1982).)]. According to the California Supreme Court, the right to develop becomes vested when all discretionary approvals for a project have been obtained and only ministerial (administrative) approvals remain [*AVCO Community Developers, Inc. v. South Coast Commission*, 17 Cal.3d 785, 791 (1976)]. Determination of what is a ministerial action varies by *Local Agency*.

(e) Determination: The *ALUC* shall make the determination as to whether a specific project meets the qualifying criteria set forth in Paragraph (a) of this policy. Once the *ALUC* finds that a *Local Agency's* general plan is consistent with the *ALUCP*, this determination shall be made by the *Local Agency*.

1.5.4. *Development by Right*:

(a) Nothing in this *ALUCP* prohibits:

(1) Construction of a single-family home on a legal lot of record as of the date of adoption of this *ALUCP* provided that the home is not within *Compatibility Zone A* and the use is permitted by local land use regulations.

(2) Construction of a secondary unit as defined by state law and local regulations.

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

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

1.5.5. *Submittal of Environmental Documents:* The *ALUC* does not have a formal responsibility to review the environmental document associated with *Land Use Actions* or *Airport Actions* referred to it for review. If an environmental document has been prepared at the time that a *Land Use Action* or *Airport Action* is referred for review and the document contains information pertinent to the review, then a copy should be included with the referral (see Policy 2.3.1).

2. ALUC REFERRAL/REVIEW PROCESS

2.1. Actions Subject to ALUC Review

2.1.1. *Land Use Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Land Use Actions*, the *Local Agency* always must refer the *Land Use Action* to the *ALUC* for determination of consistency with this *ALUCP*:

(a) *Local Agency* adoption or approval of any new general plan, specific plan, or facility master plan or any amendment thereto that affects lands within the *Airport Influence Area*.[20] Formal review and action by the ALUC is required.

(b) *Local Agency* adoption or approval of a zoning ordinance or building regulation, including any proposed change to any such ordinance or regulation, that (1) affects land within the *Airport Influence Area* and (2) involves the types of airport impact concerns listed in Policy 1.3.1(a). [21] For example, a zoning code change modifying building setback requirements would not require a consistency review by the *ALUC*.

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

(1) ~~Amendments to general plans, specific plans, zoning ordinance or building regulation~~ *Land Use Actions* submitted in accordance with Paragraph (b) above that have general applicability throughout the community ~~or specifically to lands within an *Airport Influence Area*~~ require formal review and action by the *ALUC*.

(2) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide formal consistency determinations on *Land Use Actions* submitted in accordance with Paragraph (b) above involving parcel-specific amendments (e.g., land use designation change associated with a development proposal).

2.1.2. *Interim Mandatory Referral of Disputed Land Use ~~Actions~~Proposals:* Until such time a *Local Agency* either makes its general plan or specific plan consistent with the *ALUCP* or *Overrules* the *ALUC*, the *Local Agency* must refer ~~all *Land Use Actions,* including individual~~ land use development proposals~~,~~ wherein there is a dispute regarding a proposed project's compatibility with *Airport* activities.[22]

(a) The *ALUC* will mediate disputes that cannot be resolved by the *Local Agency*.

(b) The *ALUC* will review matters appealed to it by the *Local Agency*, project applicant, *Airport* owner, or other interested party or public.

(c) When acting on a disputed *Land Use Action*, the *ALUC* shall hold a public hearing and issue formal findings on the disputed *Land Use Action* by majority vote.

2.1.3. *Voluntary Referral of Land Use Actions:* A *Local Agency* may voluntarily refer an *Action* or individual development proposal to the *ALUC* involving a question of compatibility with *Airport* activities for informal review and comment.[23]

(a) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide comments on all *Actions* referred to the *ALUC* on a voluntary basis.

(b) Because the *ALUC* review of *Actions* referred on a voluntary basis does not represent a formal consistency determination as is the case with *Actions* referred under Policies 2.1.1, 2.1.2 or 2.1.4, *Local Agencies* are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the *ALUC*.

2.1.4. *Airport Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Airport Actions*, the *Local Agency* owning the *Airport* always must refer the *Airport Action* to the *ALUC* for determination of consistency with this *ALUCP:*

(a) Adoption or modification of a master plan (see Sections 2.4 and 4).[24]

(b) Any proposal for "*Airport ~~e~~Expansion*" ~~of the *Airport*~~ not reflected in Chapters 4 and 5 of this *ALUCP* if such expansion will require an amended Airport Permit from

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[22] *Public Utilities Code Section 21676(b)* allows *ALUCs* to require *Local Agencies* to refer "all actions, regulations, and permits" involving lands within an *Airport Influence Area* to the *ALUC* for review until such time that the *Local Agency* amends its general plan or specific plan to be consistent with the *ALUCP* or *Overrules* the *ALUC*. The *ALUC* for Madera County has opted to reduce this all-inclusive list to just those *Actions* always requiring *ALUC* review (see Policies 2.1.1 and 2.1.4). However, the *ALUC* statutes also require *ALUCs* to "assist local agencies" in ensuring compatible land uses within an *Airport Influence Area*. Therefore, during this interim period before the *Local Agency* attains general plan or specific plan consistency with this *ALUCP* or *Overrules* the *ALUC*, the *ALUC* for Madera County will mediate disputes arising from the adoption or approval of an individual development proposal by a *Local Agency*.

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

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

the State of California (see Sections 2.4 and 4.1). As used in the statutes, "expansion" primarily includes construction of a new runway, extension, or realignment of an existing runway, or related acquisition of land (see Policy 1.1.4 for definition).[25]

(c) Any proposal for a new *Airport* or heliport whether for public use or private use must be submitted for *ALUC* review if the facility requires a State Airport Permit (see Sections 2.4 and 4.2).[26]

2.2. General Referral Requirements

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

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

(b) Completion of a formal application with the *Local Agency* is not required prior to a *Local Agency*'s referral of a proposed *Land Use Action* or *Airport Action* to the *ALUC*. Rather, a project applicant may request, and the *Local Agency* may refer, a proposed *Action* to the *ALUC* for early review, so long as the *Local Agency* is able to provide the *ALUC* with the project submittal information for the proposal, as specified and required in Policies 2.3.1 and 2.4.1 of this *ALUCP*.

2.2.2. *Public Input:* ~~Where applicable, t~~The *ALUC* shall provide public notice and obtain public input before acting on any *Land Use Action* or *Airport Action* ~~under consideration~~referred to the *ALUC* on a mandatory basis in accordance with Policies 2.1.1, 2.1.2 and 2.1.4.[27]

2.3. Review Process for Land Use Actions

2.3.1. *Required Submittal Information for Land Use Actions:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment shall be submitted to the *ALUC*. Any supporting material, such as environmental documents, assessing the proposal's consistency with the *ALUCP* should be included. As indicated in Policy 1.5.5, the *ALUC* does not have a formal responsibility to review an environmental document associated with a *Land Use Action* referred to the *ALUC*. However, if the environmental document contains information pertinent to the *ALUC's* consistency review, then a copy should be included with the referral to enable the *ALUC* to make a consistency determination of the referred *Land Use Action*.

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[25] *Public Utilities Code Section 21664.5.*

[26] Required by *Public Utilities Code Section 21661.5*. Airports and heliports requiring state permits are defined in *California Code of Regulations Title 21 Sections 3525 through 3560*.

[27] *Public Utilities Code Section 21675.2(d).* Section 3.7.2 recommends following the notice procedures applicable to general plans; specifically Government Code Sections 65090, 65091 and 65353. Generally, notice must be sent to each affected property owner unless mailing of more than 1,000 such notices would be required. In this case, notice may be published in a newspaper of general circulation serving the affected area.

2.3.2. *Consistency Reviews by ALUC:*

(a) Initial General Plan Consistency*:* In conjunction with the adoption or amendment of this *ALUCP*, the *ALUC* shall review the general plans and specific plans of affected *Local Agencies* to determine their consistency with the *ALUC*'s policies. State law[28] requires that, within 180 days of the *ALUC*'s adoption or amendment of this *ALUCP*, each *Local Agency* affected by the plan must amend its general plan and any applicable specific plan(s) to be consistent with the *ALUCP* or, alternatively, provide required notice, adopt findings, and *Overrule* the *ALUC* in accordance with statutory requirements.[29]

(b) *Land Use Actions*: Except as provided by Paragraph 2.1.1(b)(2)~~2.1.1(d)~~, a proposed *Land Use Action* referred to the *ALUC* on a mandatory basis (those listed in Policies 2.1.1, 2.1.2, and 2.1.4) shall require a formal consistency determination by the *ALUC*.

(1) The *ALUC Secretary* shall review the proposal to determine if it is consistent with the *ALUCP* policies.

(2) The *Land Use Action* shall be placed on the *ALUC* agenda for action.

(c) *ALUC Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP*, the *ALUC* has three choices of action:

(1) Find the proposed *Land Use Action* consistent with the *ALUCP*. To make such a finding with regard to a plan, ordinance or regulation the conditions identified in Section 3.1 must be met. For parcel-specific amendments, the conditions identified in Section 3.2 must be met.

(2) Find the proposed *Land Use Action* consistent with the *ALUCP*, subject to conditions and/or modifications that the *ALUC* may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.

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

2.3.3. *Consistency Reviews by ALUC Secretary:*

(a) The *ALUC* delegates to the *ALUC Secretary* the following:

(1) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide a formal consistency determination on *Land Use Actions* involving parcel-specific amendments (see Paragraph 2.1.1(b)(2)~~2.1.1(d)~~).

(2) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide informal comments on *Land Use Actions* forwarded to the *ALUC* on a voluntary basis (see Policy 2.1.3).

(3) Informal input from the *ALUC Secretary* may be sought prior to formal or voluntary submittal of a proposed *Action* to the *ALUC*.

(b) When reviewing a proposed *Land Use Action* requiring a formal consistency determination by the *ALUC Secretary* (see Paragraphs 2.1.1(b)(2)~~2.1.1(d)~~ and 2.3.3(a)(1)), the *ALUC Secretary* shall:

[28] *Government Code Section 65302.3.*
[29] *Public Utilities Code Section 21676(b).*

(1) Consult with the manager of the airport.

(2) Make its determinations in writing and describe the consistency analysis and the basis for the determination.

(3) Forward projects that are controversial or complex to the *ALUC* for a consistency determination.

(4) Provide to the *ALUC* a list of all projects reviewed and the determination made by the *ALUC Secretary*.

(c) *ALUC Secretary's Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP* as required by Paragraphs 2.1.1(b)(2)~~2.1.1(d)~~ and 2.3.3(a)(1), the *ALUC Secretary* has three choices of action:

(1) Find the project consistent with the *ALUCP*.

(2) Find the project consistent with the *ALUCP*, subject to compliance with such conditions as the *ALUC Secretary* may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).

(3) Find that the project may be inconsistent with the *ALUCP* or has certain compatibility complexities requiring review by the *ALUC*. The *ALUC Secretary* shall forward any such project to the *ALUC* for a consistency determination.

(d) Appeal of *ALUC Secretary's Action:* The affected *Local Agency*, project applicant, *Airport* owner, or other interested party may appeal to the *ALUC* a consistency determination made by the *ALUC Secretary* on a *Land Use Action* involving parcel-specific amendments reviewed in accordance with Policy 2.1.1(b)(2)~~2.1.1(d)~~. The *ALUC* shall then review the proposed *Land Use Action*, the *ALUC Secretary*'s determination, and information supporting the appeal and make a final determination regarding the proposed *Land Use Action*'s consistency with the *ALUCP*. Any appeal of the *ALUC Secretary*'s determination must be submitted within 10 days of the date when the determination was issued.

2.3.4. *Response Time:*

(a) Reviews by the *ALUC* shall be completed within 60 days from the date of referral.[30]

(b) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.1(b)(2)~~2.1.1(d)~~ shall be completed within 14 days of the date of referral.

(c) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.3 shall be completed on a timeline negotiated with the *Local Agency*.

(d) Reviews of projects forwarded or appealed to the *ALUC* for a consistency determination shall be completed within 60 days of the date of the request or appeal.[31]

(e) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.3.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

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

[31] For *Major Land Use Actions*, this 60-day limit is not a statutory requirement, but is set by the *ALUC* to be consistent with Policy 2.3.3 and *Public Utilities Code Section 21676(d)* regarding general plans, specific plans, zoning ordinances, and building regulations.

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

(g) If the *ALUC* or *ALUC Secretary* fail to make a consistency determination within the above noted time period, the proposed *Action* shall be deemed consistent with the *ALUCP*.[32] Regardless of *ALUC* action or failure to act, the proposed *Action* must comply with other applicable local, state, and federal regulations and laws.

2.4. Review Process for Airport Actions

2.4.1. *Required Submittal Information for Airport Actions:* An airport master plan for an existing or new *Airport* or heliport or an ~~a~~*Airport* ~~e~~*Expansion* plan for an existing *Airport* referred to the *ALUC* for review shall contain sufficient information to enable the *ALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of *Airport* activity upon surrounding land uses.

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

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

(c) For either airport master plans or other ~~a~~*Airport* ~~e~~*Expansion* plans, the following specific information should be included to the extent applicable:

(1) A layout plan drawing of the proposed facility or improvements showing the location of:
- Airport property and avigation easement boundaries;
- Runways or helicopter takeoff and landing areas; and
- Runway or helipad protection zones.

(2) A revised map of the *Airspace Protection Surfaces* as defined by Federal Aviation Regulations Part 77 if the proposal would result in changes to these surfaces. The *Airspace Protection Surfaces* for Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5.

(3) Updated activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction. The effects of the proposed development on the aircraft activity forecasts indicated in Chapters 4 and 5 of this *ALUCP* should be described.

(4) Aircraft or helicopter approach/departure flight routes. Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapters 4 and 5 of this *ALUCP* should be described.

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

(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 ~~a~~*Airport* ~~e~~*Expansion* plan.

(6) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors depicted in the airport exhibits presented in Chapters 4 and 5.

2.4.2. *ALUC Action Choices for Airport Actions:* When reviewing a proposed new or revised airport master plan or proposed ~~a~~*Airport* ~~e~~*Expansion* plans for Chowchilla Municipal Airport or Madera Municipal Airport, the *ALUC* has three action choices (see Policy 4.1.1 for policies pertaining to the substance of the *ALUC* review of plans for existing *Airports*):

(a) Find the proposed *Airport Action* consistent with the *ALUCP*.

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

(c) Find the proposed *Airport Action* inconsistent with the *ALUCP* as the *Airport* plan does not adequately address aeronautical impacts of *Airport* proposals on adjacent land uses (e.g., noise and safety hazards).

2.4.3. *ALUC Action Choices for Plans of New Airports or Heliports:* When reviewing proposals for new public use or private use airports or heliports, the *ALUC* has two action choices (see Policy 4.2.1 for policies pertaining to the substance of the *ALUC* review of plans for new *Airports*):

(a) Approve the proposal as being consistent with the specific review criteria listed in Section 4.2 and, if required, either adopt an *ALUCP* for that facility or establish the intent to do so at a later date. State law requires adoption of an *ALUCP* if the airport or heliport will be a public-use facility.[33]

(b) 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.

2.4.4. *Response Time:* The *ALUC* must respond to the referral of an airport master plan or *Airport* ~~e~~*Expansion* plan within 60 days from the date of referral.[34]

(a) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.4.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

(b) If the *ALUC* fails to make a determination within the specified period, the proposed *Airport Action* shall be deemed consistent with the *ALUCP*. [35]

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

(d) The *Airport* owner shall be notified of the *ALUC*'s action in writing.

[33] *Public Utilities Code Section 21675(a).*
[34] *Public Utilities Code Section 21676(d).*
[35] *Public Utilities Code Section 21676(d).*

2.5. ALUC Role For Local Agency Overrules

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

2.5.2. *Overruling of ALUC by Local Agency:* If a *Local Agency* wishes to proceed with a proposed *Land Use Action* or *Airport Action* that the *ALUC* has determined to be inconsistent with the *ALUCP*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *ALUC* determination in accordance with the provisions of state law.[36] See Chapter 1 for the steps that a *Local Agency* must take to overrule the *ALUC*.

2.5.3. *ALUC Comments on Proposed Overruling:* The *ALUC* may provide comments on the proposed overruling decision. The *ALUC* delegates to the *ALUC Secretary* the authority to provide comments.

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

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Compatibility Policies and Maps

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Criteria for Review of General Plans, Specific Plans, Zoning Ordinances, Building Regulations and Facility Master Plans

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 *ALUC*.[37] Zoning ordinances, building regulations and facility master plans must also be consistent with the *ALUCP*. In order for these *Land Use Actions* to be considered consistent with this *ALUCP*, the requirements established in Policies 3.1.2 through 3.1.4 must be accomplished.[38]

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

(a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in **Table 3A**, *Basic Compatibility Criteria*. In addition, conflicts with regard to other compatibility policies (i.e., Policies 3.3 through 3.7)—height limitations in particular—may also 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*.[39]

(c) Proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *ALUCP*. To ensure that *Existing Nonconforming Uses* do not become more nonconforming, general plans or implementing documents must include

[37] *Government Code Section 65302.3* states that a county's or city's general plan, and any applicable specific plans, "shall be consistent" with an ALUCP and "shall be amended, as necessary" to be consistent with any amendment of the *ALUCP*.
[38] See Chapter 1 and Appendix C for additional guidance.
[39] This exemption derives from state law, which proscribes *ALUC* authority over *Existing Land Uses*.

policies setting limitations on expansion and *Reconstruction* of *Nonconforming Uses* located within an *Airport Influence Area* consistent with Policies 3.7.2 and 3.7.3.

(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 approved by the *ALUC* (see Policy 3.4.5).

3.1.3. *Establishment of Review Process: Local Agencies* must define the process they will follow when reviewing individual land use development proposals 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 *ALUC* 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 *ALUC*); and/or

(3) The general plan must indicate that the *Land Use Actions* specified in Section 2.1 shall be submitted to the *ALUC* for review in accordance with the policies of Section 1.4.

3.1.4. *Land Use Conversion:* The compatibility of uses in the *Airport Influence 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 Zones C2* and *D*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) that would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

3.2. Criteria for Review of Proposed Land Uses

3.2.1. *Evaluating Compatibility of Proposed Land Uses:* The compatibility of proposed land uses within the *Airport Influence Area* shall be evaluated in accordance with:

(a) The general policies set forth in Sections 3.3 through 3.7 of this Chapter addressing noise, safety, airspace protection, overflight impacts and special circumstances.

(b) The basic compatibility criteria listed in **Table 3A**, *Basic Compatibility Criteria*.

(c) The compatibility zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* and described in **Table 3B**, *Compatibility Zone Delineation.*

(d) The Federal Aviation Regulations Part 77 airspace surfaces depicted in **Exhibit 4E** and **Exhibit 5E**, in Chapters 4 and 5.

3.2.2. *Compatibility Criteria Table:* **Table 3A**, *Basic Compatibility Criteria* lists general land use categories and indicates each use as being either "normally compatible," "conditional," or "incompatible" depending upon the *Compatibility Zone* 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, Density*, 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 3.3 through 3.6 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 3.7.5).

(b) Land uses not specifically listed in **Table 3A**, *Basic Compatibility Criteria* shall be evaluated using the criteria for similar listed uses.

(c) Multiple land use categories and the compatibility criteria associated with them may apply to a project.

(d) Mixed-use developments shall individually comply with the criteria in **Table 3A**, *Basic Compatibility Criteria.* Mixed-use developments shall be evaluated in accordance with Policies 3.3.4 and 3.4.7.

(e) For details regarding usage *Intensity* and open land criteria indicated in **Table 3A**, *Basic Compatibility Criteria,* see the safety compatibility criteria in Section 3.4.

3.2.3. *Compatibility Policy Map:* The *Compatibility Zones* depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* takes into account all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight.

(a) Chapters 4 and 5 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 proposed projects in a particular *Compatibility Zone*. It also can serve to suggest what types of modifications to the project might make the proposal acceptable given the project's degree of sensitivity to a particular compatibility factor (for example, knowing that a *Noise-Sensitive Land Use* is in a high-noise area may indicate a need for sound attenuation in the structure, whereas a risk-sensitive land use in a high-risk area may need to be altered to reduce the number of people present).

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.

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 Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5 and reflect the airport activity levels documented in the respective 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).
- 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. Noise Compatibility Policies

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 the *Airport* is 60 dB. Given that most of the *Airports' environs are* suburban in character, 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 Zones A and B1*.

(2) Except as allowed by right in accordance with Policy 1.5.4, the maximum allowable residential *Density* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(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 1.5.4 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 **Table 3A**, *Basic Compatibility Criteria.*

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

(3) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.3.2 and as noted in **Table 3A**, *Basic Compatibility Criteria.*

3.3.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within *Compatibility Zones B1* and *B2* shall incorporate sound attenuation design features sufficient to meet the interior noise level criteria specified by this policy. All future structures outside of these *Compatibility Zones* are presumed to meet the interior noise level requirement with no special added construction techniques.[40]

(a) For the following noise-sensitive land uses, the aircraft-related interior noise level shall be no greater than *CNEL* 45 dB by ensuring a noise level reduction (NLR) of 20 dB in *Compatibility Zones B1* and *B2*.

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

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

(3) Adult 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 1.1.23~~1.1.21~~). Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in **Table 3A**, *Basic Compatibility Criteria* take into account single-event noise concerns.

(a) The *Local Agency* 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 the *Airports* are provided in Chapters 4 and 5.

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 3.4.7 for applicable safety criteria.

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

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 ALUC policy.

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 3.5.

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 shapes and sizes of the Compatibility Zones.
- The locations, delineated with respect to the Airport runway, where aircraft accidents typically occur near Airports and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the California Airport Land Use Planning

Handbook. The Handbook guidance regarding safety compatibility forms the basis for the safety component of the composite Compatibility Zones established for the Airport and the maximum usage intensities (people per acre) criteria indicated in Policy 3.4.2 and in ***Table 3A****, Basic Compatibility Criteria.*

- *Handbook guidance regarding residential densities in rural and suburban areas. Residential Density limitations cannot be equated to the usage Intensity limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the Handbook guidelines, a greater degree of protection is warranted for residential uses.*
- *The presence of 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 an aircraft in distress can attempt an emergency landing.*
- *The extent to which the occupied parts of a project site are concentrated in a small area. Concentrated high intensities heighten the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area (i.e., 1.0-acre area) of a large project site are appropriate.*

3.4. Safety Compatibility Policies

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 **Table 3A**, *Basic Compatibility Criteria.*

(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 gross 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.

(d) Within *Compatibility Zones B1*, *B2* or *C1*, dwellings shall be located outside of the zones where feasible or locate the dwelling a maximum distance from the extended runway centerline.

(e) See Policy 3.4.7 with regard to calculating the *Density* of mixed-use development.

(f) *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*.

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

(h) Secondary units, as defined by state law and local regulations, shall be excluded from *Density* calculations.

(i) In accordance with state law, 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*.

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 **Table 3A**, *Basic Compatibility Criteria* 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 3.4.8).

(b) The maximum allowable nonresidential *Intensity* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(c) All nonresidential uses must comply with both the "sitewide average" and "single-acre" usage *Intensity* limits indicated for each *Compatibility Zone.*

(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 gross acreage of the project site) which may include multiple parcels.

(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.

(d) Determination of compliance with the sitewide average *Intensity* criteria requires calculating the total occupancy of the site at any given time under normal busy use (see Policy 3.4.2(e)), then dividing by the total (gross) acreage of the project site.

(e) 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. For the purposes of these calculations, the total number of occupants during normal busiest periods shall be used. The usage intensity criteria of this *ALUCP* are based upon a normal busy-period occupancy (or "peak" usage), not on the highest attainable occupancy.[41]

(f) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage *Intensity* criteria in **Table 3A**, *Basic Compatibility Criteria.*

(g) For *Intensity* criteria pertaining to mixed-use projects having both residential and nonresidential components, see Policy 3.4.7.

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

[41] 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).

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

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

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

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

3.4.3. *Methodology for Calculation of Sitewide Average Intensity:* Various methods are available by which usage intensities may be calculated (additional guidance is found in Appendix B).

(a) Calculation Using Floor Area Ratio.[42] 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 (see **Exhibit 1** for example). The allowable floor area ratio in a particular *Compatibility Zone* thus varies from one land use category to another.

[42] 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 each floor is counted.

- 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 (see **Exhibit 1** for example).

Exhibit 1: Floor Area Ratio (FAR) Calculation

In this example, the typical Occupancy Load Factor for a Local Retail use and the maximum average intensity limit for Zone B2 provided in **Table 3A**, *Basic Compatibility Criteria* are used to calculate the allowable FAR for a "typical" local retail use. For atypical examples of a use, a project-specific Occupancy Load Factor may be used to calculate the allowable FAR for a particular project using the same mathematical equation provided below.

Mathematical Formula:

(Occupancy Load Factor x Average Intensity Criterion) ÷ 43,560 square feet per acre = **FAR**

Mathematical Example:

(**170** square feet per person x **100** people per acre) ÷ **43,560** square feet per acre = **FAR 0.39**

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.10* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met

(2) Application of Floor Area Ratio 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), each component use must be assigned a share of the overall project site. Typically, this share shall be assumed to be the same as the component use's share of the total project floor area. Then, each component floor area ratio is compared with the maximum floor area ratio limit indicated for the land use category and *Compatibility Zone*.

(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 B.)

(d) Calculation Using Occupancy Load Factors: For most other uses, the typical Occupancy Load Factor indicated for the use shall be applied.[43] 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 an 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.

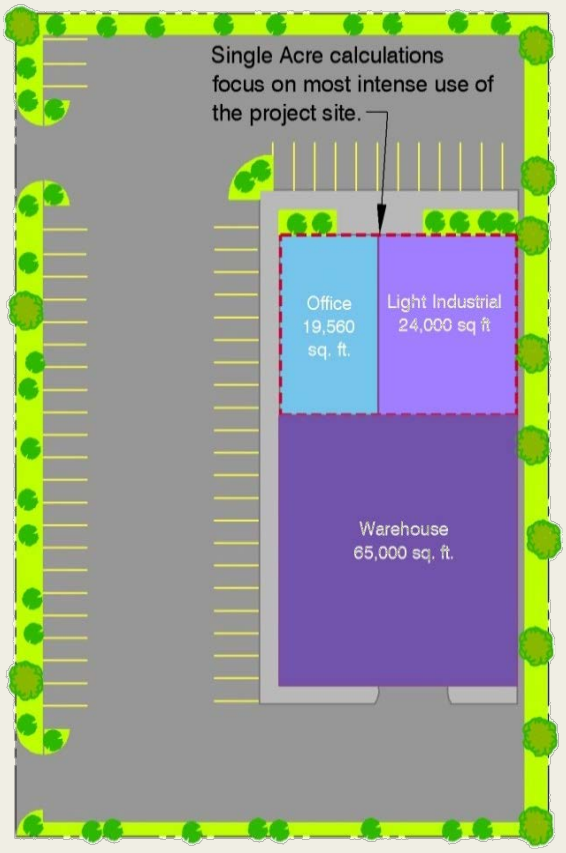
(2) If the project applicant can document a higher or lower Occupancy Load Factor for a particular use, then the *ALUC* or *Local Agency* may use that number in lieu of the number in **Table 3A**, *Basic Compatibility Criteria* table. In considering any such exceptions, the *ALUC* or *Local Agency* shall 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 B). 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*.

[43] 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: Occupancy Load Calculation Example

In this example, both the sitewide and single-acre *Intensity* of a proposed warehouse facility is calculated using the common Occupancy Load Factors (number of square feet per person) information in **Table 3A**, *Basic Compatibility Criteria* together with project specifications. The results are then compared with the maximum sitewide and single-acre *Intensity* limits in **Table 3A** to determine consistency of the project with the safety criteria.



Compatibility Zone B2 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
Light Industrial, Low Intensity: approx. 350 s.f. per person
Warehouse: approx. 1,000 s.f. per person

Project Specific Data

Site Acreage: 3 acres
Office: 19,560 s.f.
Light Industrial: 24,000 s.f.
Warehouse: 65,000 s.f.

Occupancy Load Calculation

Office: $\frac{19{,}560 \text{ s.f.}}{215 \text{ s.f. per person}}$ = 91 people

L-industrial: $\frac{24{,}000 \text{ s.f.}}{350 \text{ s.f. per person}}$ = 69 people

Warehouse: $\frac{65{,}000 \text{ s.f.}}{1{,}000 \text{ s.f. per person}}$ = 65 people

Total: = 225 people

Intensity Results

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

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

$\frac{\text{Total people}}{\text{Site Acreage}} = \frac{225 \text{ people}}{3 \text{ acres}}$ = 75 people per acre

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

$\frac{\text{Total people}}{\text{Single-Acre}} = \frac{91 + 69 \text{ people}}{1 \text{ acre}}$ = 160 people per acre

3.4.4. *Methodology for Calculation of Single-Acre Intensity:* The single-acre *Intensity* of a proposed development 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 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 sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.

(c) For sites 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 development with the usage *Intensity* criteria in Policy 3.4.2(b), the *ALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria. (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 **Table 3A**, *Basic Compatibility Criteria*, 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: 50,000 s.f. / 170 s.f. per person = 294 people

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

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

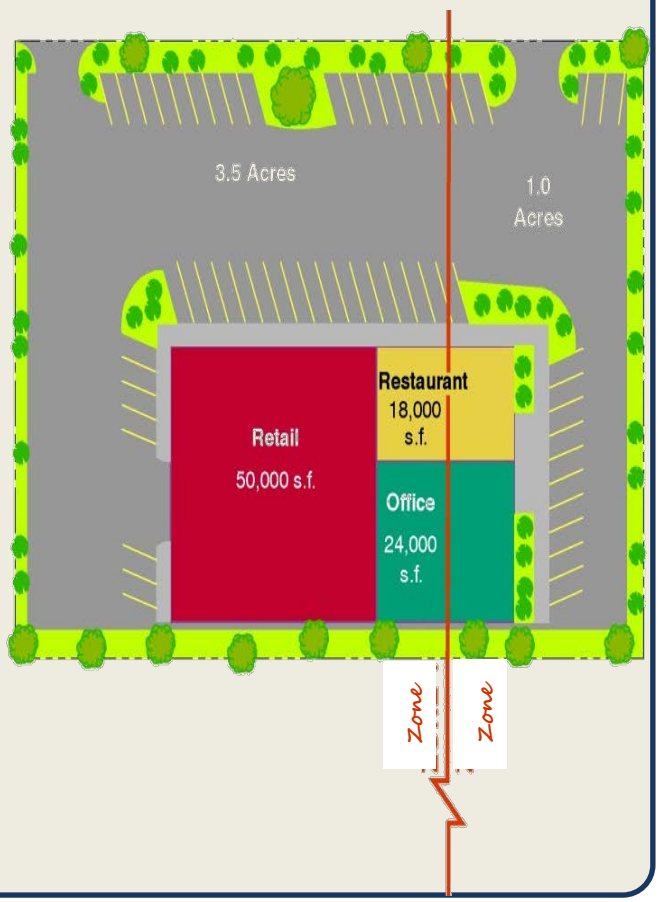
Total Occupancy = 500 people

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

* Would *exceed* Zone B2 sitewide average limit of 75 people/acre

Compatibility Zone C1

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



3.4.7. *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 **Table 3A**, *Basic Compatibility Criteria*. 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) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential *Density* and nonresidential *Intensity* criteria. The number of dwelling units shall not exceed the *Density* limits indicated in **Table 3A**, *Basic Compatibility Criteria*. 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 *ALUC* may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.

3.4.8. *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. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function. 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. See Policy 3.7.5(b) for a list of building design features that can be used to enhance the safety of occupants of a building.

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

(1) The primary uses in this category include, but are not limited to the following:

- Children's schools (grades K–12).
- Day care centers (facilities with more than 14 children, as defined in the California Health and Safety Code).
- In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
- Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
- Penal institutions.

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

- Uses having vulnerable occupants are incompatible within *Compatibility Zones A, B1, B2~~,~~* and *C1~~, and C2~~*. New sites or facilities or expansion of existing sites or facilities shall be prohibited.
- Uses having vulnerable occupants are discouraged within *Compatibility Zone C2.* If an alternative site outside of zone would not serve the intended function, the use may be allowed if all of the following are met:
  1) Most intensive use of the proposed facility is located outside of *Compatibility Zone C2* into a less restrictive zone where feasible;
  2) Most intensive use of the proposed facility is located a maximum distance from the extended runway centerline;
  3) The *Density* and *Intensity* limits set forth in Policies 3.4.1(b) and 3.4.2(b) and other criteria noted in **Table 3A**, *Basic Compatibility Criteria* are satisfied; and
  ~~1)~~4) If the proposed use is a children's school requiring review by Caltrans Division of Aeronautics, a favorable determination by Caltrans Division of Aeronautics is required.[44]
- All of the above uses described in Paragraph (1) shall be allowed within *Compatibility Zone* D.

[44] *California Education Code Section 17215(a)* requires that Caltrans Division of Aeronautics review and approve the proposed acquisition or expansion of certain children's school sites within two miles of an airport runway.

(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 and use 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:

- In *Compatibility Zones B1* and *B2*, only the following is allowed: 1) On-*Airport* storage of aviation fuel and other aviation-related hazardous materials; 2) storage of nonaviation fuel or other hazardous materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation hazardous materials in aboveground tanks.
- In *Compatibility Zones C1* and *C2*, above-ground storage of smaller amounts of hazardous materials 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 of the above uses described in Paragraph (1) shall be allowed within *Compatibility Zone D*.
- All facilities must comply with the *Intensity* limits set forth in Policy 3.4.2(b) and other criteria noted in **Table 3A**, *Basic Compatibility Criteria*.

(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*. In *Compatibility Zone B2*, public safety facilities shall be allowed only if the facility serves or has an airport-related function. In *Compatibility Zone C1*, 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 Zones C2* and *D*.

- Communications facilities are incompatible in *Compatibility Zones A*, *B1*, and *B2*. In *Compatibility Zone C1*, 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) set forth in Section 3.5 of this *ALUCP*. Communication facilities shall be allowed within *Compatibility Zones C2* and *D*.
- Primary power plants are incompatible in the entire *Airport Influence Area* except that they may be conditionally allowed in *Compatibility Zone D* if an alternative site outside of the zone would not serve the intended function of the facility.
- Non-primary ~~P~~peaker plants, renewable energy power plants, electrical substations and other utilities are incompatible in *Compatibility Zones A* and~~,~~ *B1*~~, B2, and C1~~. New sites or facilities or expansion of existing sites or facilities shall be conditionally allowed in *Compatibility Zones B2, C1, C2* and *D* ~~provided that~~if 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 3.5 of this *ALUCP*.

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

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

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

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

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

(c) Open land requirements for each *Compatibility Zone* are 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. Designated open land areas must remain in perpetuity by way of an open space easement, deed restriction, or conditional use permit. Clustering of development should be located a maximum distance from the extended runway centerline. See **Table 3A**, *Basic Compatibility Criteria* for limitations on clustering development on any single acre.

(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.

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.

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.

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

3.5. Airspace Protection Compatibility Policies

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 **Exhibits 4E** and **5E**, in Chapters 4 and 5.

(a) The airspace protection / height limit surfaces depicted in **Exhibits 4E** and **5E**, in Chapters 4 and 5, are drawn in accordance with Federal Aviation Regulations Part 77,

Subpart C, and reflect the runway length, runway end locations, and approach type for each end of the runway.

(b) The *Critical Airspace Protection Zone* consists of the Federal Aviation Regulations Part 77 primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface.

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 Federal Aviation Regulations 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 3.5.4, the results of that study shall be taken into account by the *ALUC* or *Local Agency*.

(a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as a 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.[45]

(b) Objects not situated within a *Critical Airspace Protection Zone* (see Policy 3.5.1(b)) may be allowed to have heights that penetrate the *Airspace Protection Surfaces* defined by Federal Aviation Regulations Part 77 criteria under the following conditions:

(1) The maximum allowable height for these objects is 35 feet above ground level.[46]

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

(c) Unless exempted under Paragraph (b) of this policy, a proposed object having a height that exceeds any 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 *ALUC* 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

[45] 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.

[46] The ALUC assumes that future objects having heights of 35 feet or less will be shielded by other existing structures or vegetation of equal or greater height.

consistent with FAA standards in effect at the time the construction is proposed.[47]

(4) An *Avigation Easement* is dedicated to the *Local Agency* 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 Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall not be allowed within the *Airport Influence Area* unless the uses are consistent with FAA rules and regulations.

(a) Specific characteristics to be avoided include:

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

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

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

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

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

(6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.[48] Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds, which pose bird strike hazards to aircraft in flight.

(b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, *Local Agencies* should consult with FAA officials, the California Division of Aeronautics, and Airport management.

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

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

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

[49] Federal Aviation Regulations Part 77 requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of Federal Aviation Regulations 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. FAA notification is required under the following circumstances:

(a) The project contains proposed structures or other objects that exceed the height standards defined in Federal Aviation Regulations Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with Federal Aviation Regulations Part 77, Paragraph 77.15. Note that notification to the FAA under Federal Aviation Regulations 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 4 and 5, 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.

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

(b) The *Local Agency* having jurisdiction over the project site should inform the project proponent of the requirements for notification to the FAA and require a copy of the completed Federal Aviation Regulations 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)..

3.5.5. *ALUC Airspace Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *ALUC*.

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.

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. Overflight Compatibility Policies

3.6.1. *Recorded Overflight Notification:* As a condition for *ALUC* or *Local Agency* approval of residential land use development within *Compatibility Zone 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 D 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."[50] *ALUCP* criteria with regard to *Airport Proximity Disclosure* is as follows:

(a) For existing residences and nonresidential uses:

(1) *Airport Proximity Disclosure* as part of real estate transactions involving existing residences or nonresidential uses (e.g., businesses) is a matter between private parties. Neither the *ALUC* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither the *ALUC* 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 or nonresidential uses 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 in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* establishes the area in which *Airport Proximity Disclosure* is recommended.

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

(b) For proposed residential and nonresidential development:

(1) The disclosure provisions of state law ~~are~~ shall be deemed mandatory as a condition of approval for new residential and nonresidential development 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 D 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 development 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 jurisdiction 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 the *Airport Influence Area*:

(1) Within *Compatibility Zones A, B1, B2* or *C1*.

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

(2) Within the *Critical Airspace Protection Zone* which is contained entirely within the *Compatibility Zones* defined in subparagraph (1) of this Policy. See Policy 3.5.1(b) for definition of *Critical Airspace Protection Zone*.

(b) *Avigation Easement* dedication shall be required for any proposed development for which discretionary local 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 3.5 and **Maps CHO-3B** and **MAD-3B**, *Airspace Protection Surfaces Map*;

(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 D.

3.7.2. *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*.

(2) A *Nonconforming* single-family dwelling may be maintained, remodeled, reconstructed (see Policy 3.7.3), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 1.5.4 (Development by Right). However:

- Any remodeling, *Reconstruction*, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
- Any increase in height must comply with the policies in Section 3.5 (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 3.7.3(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 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 3.7.3). 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 children's school libraries):

(1) Land acquisition for new schools or expansion of existing school sites is not permitted in *Compatibility Zones A, B1, B2*~~,~~ *or C1* and conditionally permitted in *Compatibility Zone*~~, or~~ *C2* (see Policy 3.4.8(a)).

(2) The sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply.

3.7.3. *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:[51]

(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 a secondary 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 jurisdiction 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 Federal Aviation Regulations Part 77 requirements (see Section 3.5).

[51] *Reconstruction* differs from *Redevelopment* (see Policies 1.1.26~~1.1.24~~ and 1.1.28~~1.1.26~~ for definitions) that is subject to the provisions of this *ALUCP*.

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

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

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

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

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

(1) Using concrete walls;

(2) Limiting the number and size of windows;

(3) Upgrading the strength of the building roof;

(4) Avoiding skylights;

(5) Enhancing the fire sprinkler system;

(6) Limiting buildings to a single story; and

(7) Increasing the number of emergency exits.

(c) In reaching a decision, the *Local Agency* 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, not with the *Local Agency*.

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

3.7.6. *Site-Specific Exceptions*: The *ALUC* acknowledges site-specific exceptions for four residential development projects located in *Compatibility Zone C1* south of the Madera

Municipal Airport in the adoption of this *ALUCP*. The four development projects have received certain entitlements from the City of Madera prior to adoption of this *ALUCP* by the Madera County *ALUC*. *Compatibility Zone C1* of this *ALUCP* limits residential densities to a maximum of one dwelling unit per 2 acres. The special conditions result in establishment of density criteria different in character from the criteria applicable to other portions of *Compatibility Zone C1*. The location of these exceptions are shown in **Map 3C** and the numbers below correspond to the numbering on that map. 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*.

(1) Site Exception 1, Parcel No. 006-380-009: A Tentative Subdivision Map was approved for the Villa de Roma development in December 2005. The project includes 193 single family residential homes on 49.52 acres (approximately 4 dwelling units per acre). Approximately 18 acres of land fall within *Compatibility Zone C1*. The portion of the property within *Compatibility Zone C1* is allowed to have a maximum density of 4 dwelling units per acre.

(2) Site Exception 2, Parcel No. 006-380-010: A Tentative Subdivision Map was approved for the Melanie Meadows development in November 2005. The project includes 172 single family residential homes on 40.68 acres (approximately 4 dwelling units per acre). Approximately 1 acre of land falls within *Compatibility Zone C1*. The portion of the property within *Compatibility Zone C1* is allowed to have a maximum density of 4 dwelling units per acre.

(3) Site Exception 3, Parcel No. 006-380-026: Phase V of an active Tentative Subdivision Map was approved for the Home Ranch Subdivision in May 1994. The project includes 61 single family residential homes on 11.72 acres (approximately 5 dwelling units per acre). Approximately 4 acres of land fall within *Compatibility Zone C1*. The portion of the property within *Compatibility Zone C1* is allowed to have a maximum density of 5 dwelling units per acre.

(4) Site Exception 4, Parcel No. 013-070-044: A Precise Plan was approved for the Foxglove Apartments in September 2007. The project includes a 182 unit apartment complex on 14.98 acres (approximately 12 dwellings units per acre). The property owner has recently began the process to resubmit an application for Precise Plan to construct a project similar to the originally envisioned project. Less than 1 acre of land falls within *Compatibility Zone C1*. The portion of the property within *Compatibility Zone C1* is allowed to have a maximum density of 12 dwelling units per acre.

4. COMPATIBILITY CRITERIA FOR AIRPORT ACTIONS

4.1. Review Criteria for Airport Plans of Existing Airports

4.1.1. *Substance of Review:* In accordance with state law, any new or amended airport master plan or ~~a~~*Airport* ~~e~~*Expansion* plan is subject to *ALUC* review for consistency with this *ALUCP* (see Policy 2.1.4). In conducting any such review, the *ALUC* shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *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 4 or 5; or (2) assume a higher proportion of larger or noisier aircraft.

4.1.2. *Noise Impacts of Airport Expansion:* Any proposed *Airport* ~~e~~*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 *ALUC* 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.

4.1.3. *Consistency Determination:* The *ALUC* shall determine whether the proposed airport master plan or ~~a~~*Airport* ~~e~~*Expansion* plan is consistent with this *ALUCP*. The *ALUC* shall base its determination of consistency on:

(a) Findings that the development and forecasts identified in the *Airport* plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *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 project proponent 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 1.1.11~~1.1.10~~ for definition of aviation-related use).

4.2. Review Criteria for Proposed New Airports and Heliports

4.2.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the *ALUC* 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 *ALUC* review.

(b) The *ALUC* 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 *ALUC* must base its review on the proposed airfield design. The *ALUC* does not have the authority to require alterations to the airfield design.

4.2.2. *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.

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics							
Any use having more than 1 habitable floor [4]							B1, B2: Limited to no more than 2 habitable floors C1: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height							B1, B2, C1: Ensure airspace obstruction does not occur B1, B2, Height Review Overlay Zone: Airspace review required for objects >35 feet C1: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height							C2, D: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife							C1, C2, D: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]							
Outdoor Uses (no or limited indoor activities)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [7] A, B1, B2: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/retention ponds ✹							A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹							A: Not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹							B1, B2, C1, C2, D: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈							C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈							C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹							B1, B2, C1: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈							B1, B2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈							C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)							B1, B2, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses							
Single-Family residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈							B1, B2: 1 du/10 acres (average density); 4 du/single acre[8]; CNEL 45 dB max. interior noise level C1: 1 du/2 acres (average density); 4 du/single acre[8] B1: B2, C1: Locate dwelling outside zone where feasible or max. distance from extended runway centerline
Multi-Family Residential: townhouses, apartments condominiums ✈							
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈							
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]				0.46	1.38		C1, C2: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities ✈							C2: See Policy 3.4.8(2) for special conditions
Educational and Institutional Uses							
Family day care homes (≤14 children) [9] ✈							B1, B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈							C2: See Policy 3.4.8(2) for special conditions

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.09	0.28		B2, C1, C2: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.10		C1, C2: Ensure intensity criteria met
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers, emergency/ homeless shelters ✈ [approx. 100 s.f./person]			0.23	0.23	0.69		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]			0.14	0.14	0.41		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈							C2: See Policy 3.4.8(2) for special conditions
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.55	1.65		B2, C1, C2: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Penal Institutions: prisons, reformatories							C2: See Policy 3.4.8(2) for special conditions
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C1: Allowed only if site outside zone would not serve intended function; ensure intensity criteria met
Commercial, Office, and Service Uses							
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, supermarket [approx. 110 s.f./person]				0.25	0.76		C1, C2: Ensure intensity criteria met
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]		0.08	0.14	0.14	0.41		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57	0.57	1.72		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.49	1.48		B1, B2, C1: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.46	1.38		B1, B2, C1, C2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking and other transportation fueling facilities							B1, B2, C1, C2: Ensure intensity criteria met B1, B2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons B1: Locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹							D: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹							C1, C2, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]			0.46	0.46	1.38		B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	0.80			B1, B2, C1: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Research and Development Laboratories [approx. 300 s.f./person]		0.41	0.69	0.69	2.07		B1, B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.38	2.30				B1, B2: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling							B1: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Mining and Extraction ✹							B1, B2, C1, C2: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Transportation Stations: Rail/bus stations; taxi, trucking and other transportation terminals							B1, B2, C1: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops							B1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures							B1: Ensure airspace obstruction does not occur
Communications Facilities: broadcast and cell towers, emergency communications ✹							C1: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) Max. Single-Acre Intensity (people/acre)	0 0	60 120	100 300	100 300	300 1200	no limit	Â All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	Â See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
Â Multiple land use categories may apply to a project Â Land uses not specifically listed shall be evaluated using the criteria for similar uses Â Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		Â Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone Â Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Power Plants: primary, peaker, renewable energy, bio-energy ✹							B2, C1, C2, D: Non-primary p~~P~~eaker and renewable energy plants allowed if structures located max. distance from extended runway centerline D: Primary power plants allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline All: Ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Electrical Substations ✹							C1, C2: Locate structure max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Wastewater Facilities: treatment, disposal ✹							C1, C2: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Disposal Facilities: landfill, incineration ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Transfer Facilities, Recycle Centers ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]

Table 3A, continued

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

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.1 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See *Policy 3.5.3(a)* for criteria.

[1] Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). 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 (see *Policy 3.4.2(e)*). Exceptions can be made for rare special events (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see *Policy 3.7.4)*. The usage intensities shall be calculated in accordance with the methodologies cited in Policy 3.4.3 and 3.4.4.

[2] Open land requirements are intended to be applied with respect to an entire zone (see *Policy 3.4.9)*. This is typically accomplished as part of a local general plan or specific plan, but may also apply to large (10 acres or more) development projects.

[3] Occupancy Load Factors [approx. number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These Occupancy Load Factors differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See *Policy 3.4.3.*

[4] The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.

[5] No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. *See Policy 3.5.3(a)(6).*

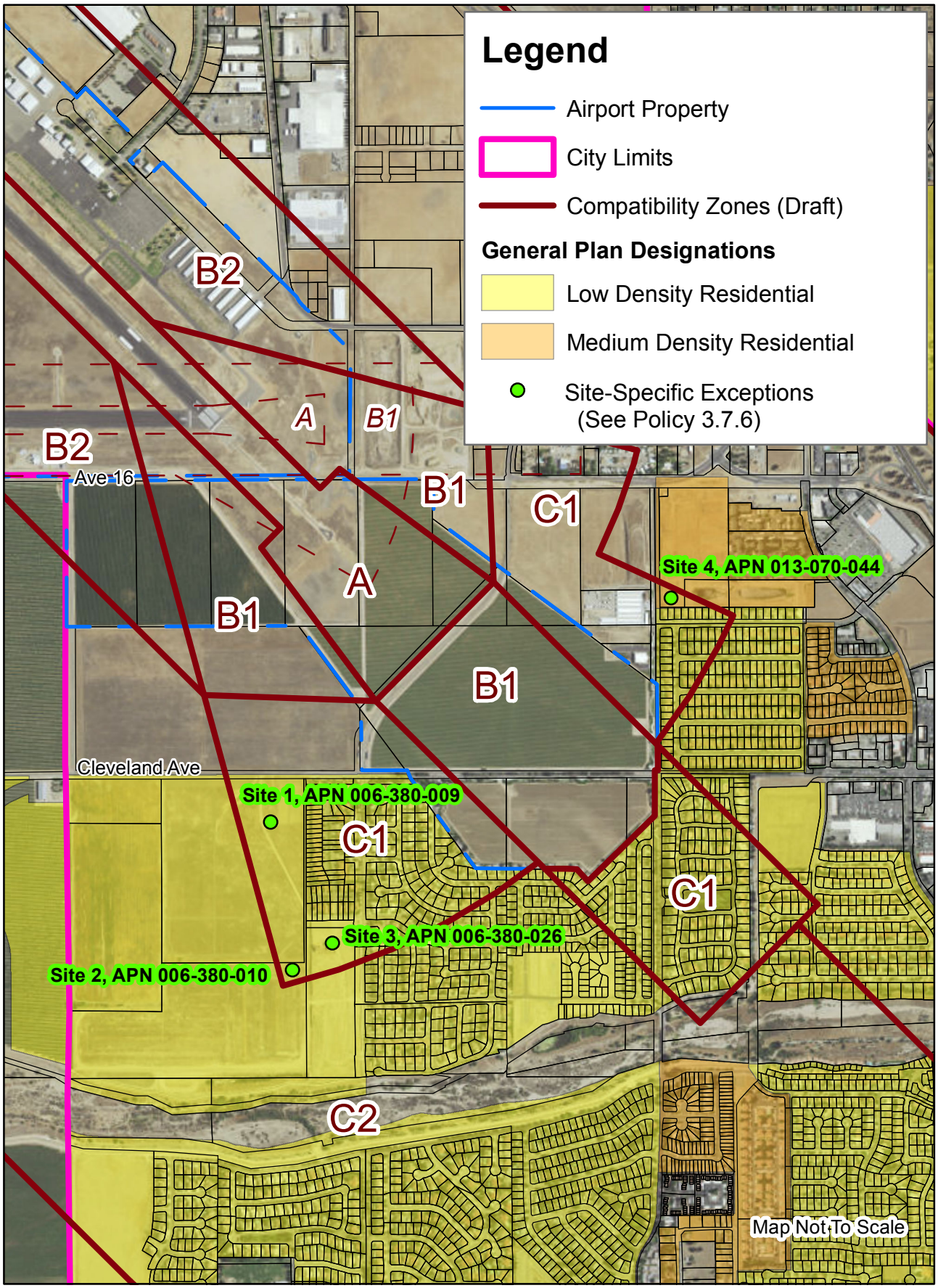
[6] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. *See Policy 3.5.3(a).*

[7] Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway. See *Airport* maps in Chapters 4 through 5.

[8] Clustering of residential development is permitted. However, no single acre of a project site shall exceed the indicated number of dwelling units per acre. See Policy 3.4.9(d).

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

Table 3A, continued



Map 3C

Site-Specific Exceptions

Madera Municipal Airport

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4

Background Data: Chowchilla Municipal Airport and Environs

INTRODUCTION

This chapter documents information regarding Chowchilla Municipal Airport and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan* (*ALUCP*) for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

Chowchilla Municipal Airport is located in the southern limits of the City of Chowchilla in Madera County. The airport is a 97-acre general aviation facility owned and operated by the City of Chowchilla.

The most recent Airport Layout Plan (ALP) drawing was approved by the City of Chowchilla and the Federal Aviation Administration (FAA) in 2009. The ALP depicts existing airport facilities and future airport expansion. The ALP was accepted by the Caltrans Division of Aeronautics on September 9, 2015, as the basis of this *ALUCP*.[1] The information contained on the 2009 ALP, together with supplemental information provided by airport personnel, form the foundation for this *ALUCP*.

Airfield Configuration

The airport consists of a single 3,253-foot northwest/southeast runway designated Runway 12-30. The runway is categorized as Airport Reference Code (ARC) A-I by FAA standards. Runway 12-30 is a vis-

[1] *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.

ual runway with no straight-in instrument approach procedures and serves light aircraft weighing less than 12,500 pounds.

The 2009 ALP reflects several proposed airfield improvements including a future 572-foot runway extension to the southeast for a future runway length of 3,825 feet and a future nonprecision approach with 1-mile visibility minimums to Runway 30. The proposed runway extension provides additional runway length for takeoffs to the north, thereby allowing aircraft to reach higher altitudes above populated areas such as the residential neighborhoods which exist approximately 0.25 miles north of the airport. The proposal also includes a 572-foot displaced landing threshold for Runway 30, which means that aircraft landing on Runway 30 would have 3,250 feet available, approximately the existing runway length, rather than the full extended length of 3,825 feet.

Aircraft Activity and Forecasts

The most current information detailing airport operations is reported by the FAA's Terminal Area Forecast (TAF). The TAF contains a record of both existing and historical airport operations. The TAF reports 6,709 annual operations as having occurred in 2013, the most recent historical year. This number is the best available data for existing operations and is used in this *ALUCP* as the base year for current (2015) operations.

Given that no airport master plan is available, this *ALUCP* brings forward the forecast assumed in the 1993 *ALUCP* of 21,000 annual operations. This forecast more than doubles the existing operations within 20 years, which is a conservative assumption. The growth from 6,709 to 21,000 annual operations assumes build out of the facilities proposed on the 2009 ALP.

Aircraft Traffic Patterns

Prevailing winds at the airport are from north to south which equates to a predominant northern flow of traffic where aircraft arrive from the south and depart to the north using Runway 30. The primary traffic pattern for the airport is on the east side of the airfield; left traffic for Runway 12 and right traffic for Runway 30.

City of Chowchilla personnel indicate that agricultural-related flights are a significant driver of the airport's activity. Agricultural aircraft operate in a manner that is very different from traditional general aviation aircraft. They arrive and depart the airport in whichever direction and manner is most convenient to their destination. For this reason, it is difficult to precisely assign agricultural aircraft to specific flight tracks to and from the airport. For the purposes of this *ALUCP*, agricultural aircraft are assumed to follow the primary general aviation flight paths east of the airport. The single-engine Ag Cat aircraft is used for airport noise modeling as the representative aircraft of agriculture operations.

SURROUNDING LAND USES

The Chowchilla Municipal Airport is entirely within the Chowchilla city limits. It is located west of State Highway 99, between Chowchilla Boulevard and South 3rd Street (Road 16) south of Mariposa Avenue. Most development in Chowchilla is located north and west of the airport.

Existing development immediately surrounding the airport includes a mixture of vacant, industrial, and recreational uses. The railroad flanks the northeast side of the airport. Northeast of the railroad tracks,

the land is vacant until State Route 99, 0.5 miles east. Immediately northwest of the airport is a small strip of industrial uses and then residential uses beyond. The area to the south and southwest is currently industrial. The Madera County Fairgrounds is located immediately to the west of the airport.

The City of Chowchilla General Plan designates future land uses within and around the Chowchilla Municipal Airport. The entire airport and the Madera County Fairgrounds to the west are designated Public Facilities. Light or Heavy Industrial uses are planned west, south, and southeast of the airport. The City designates the area northwest of Runway 12 as Light Industrial surrounded by Service Commercial and Medium/High Density Residential. The City's General Plan also includes a policy (Policy Public Safety 13.6) indicating that the City should consider relocating the airport to a new location which would allow expansion and operation of the airport without interference from urban encroachment. For the purposes of this planning effort, this *ALUCP* reflects existing and future operation of the Chowchilla Municipal Airport at its current location.

Madera County has land use authority over all unincorporated land. The airport is over 0.5 miles from any unincorporated land. The County's General Plan designates agriculture about 1 mile north of the airport and a mix of residential uses about 1.5 miles to the west.

EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

Exhibit 4A: Airport Features Summary – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

Exhibit 4B: 2009 Airport Layout Plan – The FAA-approved ALP depicting the airport configuration and airport building areas. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in September 2015.

Exhibit 4C: Airport Activity Data Summary – Presents existing (2015) aircraft activity data as reported by the FAA TAF. Forecast activity levels for the airport provided in the 1993 *ALUCP* are brought forward for planning purposes and cover the requisite 20-year planning horizon.

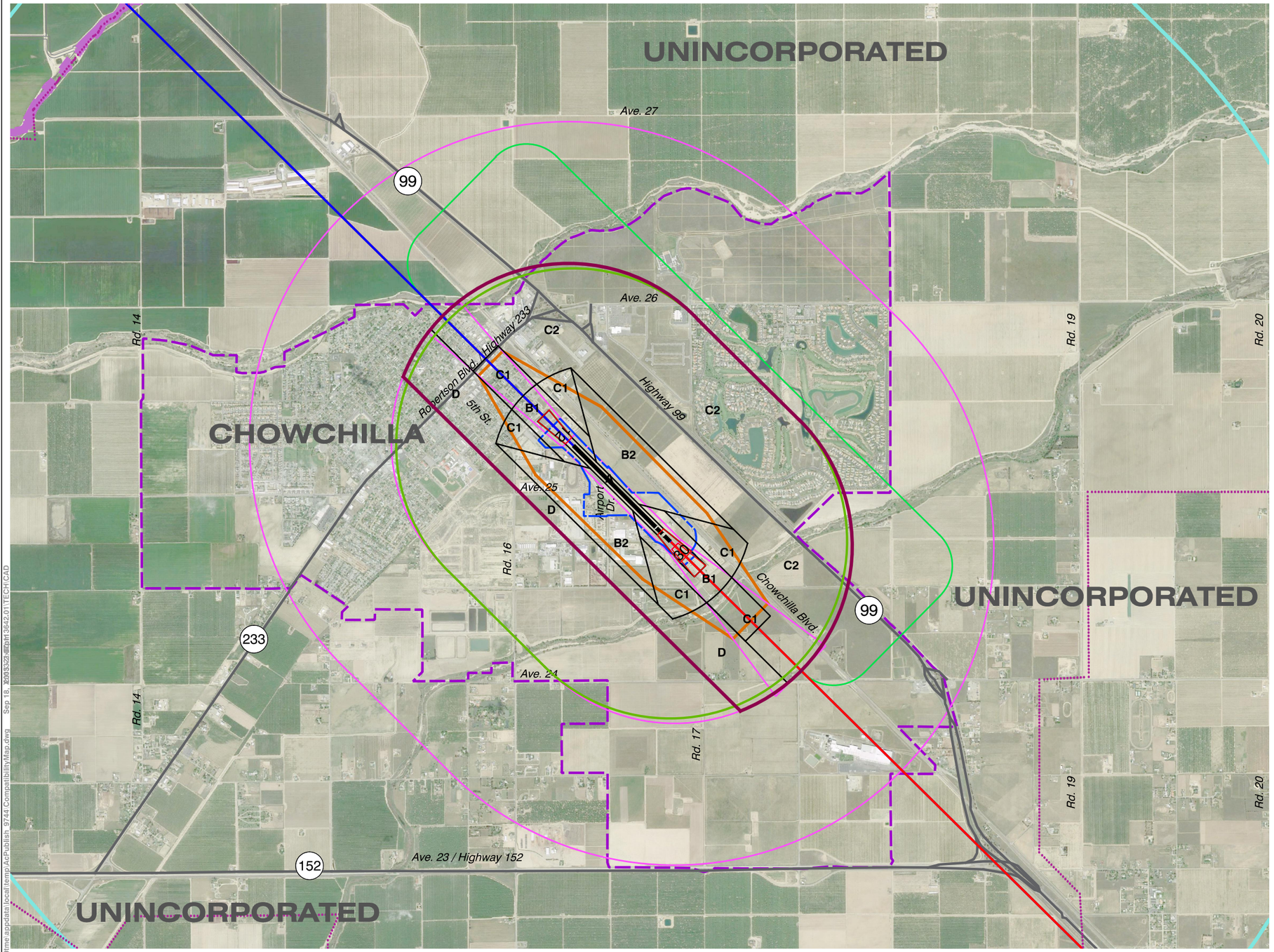
Exhibits 4D and 4E: Compatibility Factors – Depicts the extents of the four compatibility factors upon which the compatibility zones for Chowchilla Municipal Airport were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 21,000 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft operating at Chowchilla Municipal Airport routinely fly.
- *Safety* – Generic safety zones for a short general aviation runway as provided in the *California Airport Land Use Planning Handbook* (October 2011).
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.

Exhibit 4F: Airport Environs Information – Summarizes information about current and planned land uses in the environs of the Chowchilla Municipal Airport. The status of local general plans and airport land use compatibility policies contained in the County of Madera's and City of Chowchilla's general plans are also summarized.

Exhibit 4G: City of Chowchilla General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

Exhibit 4H: County of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.



Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs

Airspace Factors

- Critical Airspace Protection Zone
- FAA Obstruction Surfaces (9,000 ft.)[1]
- FAA Height Notification Surface[1] (20,000 ft.; 100:1 slope)
- FAA Wildlife Separation Area (5,000 ft.)[2]

General Aircraft Traffic Pattern[3]

- Arrival
- Departure
- Touch and Go

Notes

1. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011). Part 77 Surfaces refelect visual approach (20:1 slope) to Runway 12 and future nonprecision approach (20:1 slope) to future Runway 30 end.

2. Source: Federal Aviation Administration Airport Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (August 2007).

3. Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).

Madera Countywide
Airport Land Use Compatibility Plan
(February 2015 Draft)

N

3,000'
0 FEET 6,000'

Prepared By: Mead&Hunt www.meadhunt.com

C:\Users\870\me\appdata\local\temp\AcPublish_9744\CompatibilityMap.dwg Sep 18, 2015 3:23:42pm 3642.01\TECH\CAD

Exhibit 4E

Factors Map: Overflight & Airspace

Chowchilla Municipal Airport

5

Background Data: Madera Municipal Airport and Environs

INTRODUCTION

This chapter documents information regarding Madera Municipal Airport and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan* (*ALUCP*) for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

The Madera Municipal Airport is situated in the northwest corner of the Madera city limits, west of State Route 99. The airport falls entirely within the city limits, and shares a border with the city limits to the north and south of the airport property 0.5 miles to the west. The airport is an 893-acre general aviation facility owned and operated by the City of Madera.

The most current Airport Master Plan was prepared in 1993. The most recent Airport Layout Plan (ALP) drawing was approved by the City of Madera and the Federal Aviation Administration (FAA) in 2011. The City is in the midst of updating the ALP. The draft 2014 ALP is pending FAA approval in mid to late 2015. Both ALPs depict existing airport facilities and future airport expansion. The principal differences between the proposed facility improvements reflected on the approved 2011 ALP and the draft 2014 ALP are summarized below.

- The 2011 ALP proposes an 850-foot southeasterly extension of Runway 12/30 for an ultimate runway length of 6,394 feet. The draft ALP shows an ultimate length of 7,000 feet with the 850-foot southeasterly extension as well as a 606-foot extension to the northwest.
- The draft 2014 ALP also shows potential future abandonment of Runway 8/26~~ when the agricultural aerial applicator lease expires in 2019~~. This runway closure is not reflected in the 2011 ALP.

- With the future closure of Runway 8/26, much of the hangar development west of Runway 12/30 is no longer reflected in the draft 2014 ALP.

The information contained on the 2014 draft ALP, together with supplemental information provided by airport personnel, form the foundation for this *ALUCP*. The draft 2014 ALP was conditionally accepted by the Caltrans Division of Aeronautics on ~~_____~~ September 9, 2015, as the basis of this *ALUCP*.[1] The Division's conditional approval is subject to the ALP being approved by the FAA.

Airfield Configuration

The airport consists of a two runways in a V-shape configuration. The primary runway, Runway 12-30, is 5,544 feet in length and oriented in a northwest/southeast direction. The primary runway has an Airport Reference Code B-II designation and is designed to accommodate medium-sized jet aircraft (e.g., Cessna Citation VII). Runway 30 is served by a straight-in nonprecision instrument approach with visibility minimums of 1 mile or greater. The second runway, Runway 8-26, is approximately 3,700 feet in length and aligned in a west/east direction. Runway 8-26 is a visual runway and restricted to agricultural aircraft use only.

As indicated above, the draft 2014 ALP reflects several airfield improvements including a future 606-foot runway extension to the northwest and 850-foot extension to the southeast for a future runway length of 7,000 feet. A future straight-in nonprecision approach with visibility minimums of 1 mile is proposed for Runway 12 and visibility minimums of greater than 0.75 miles is proposed for Runway 30. The City also proposes to abandon Runway 8-26 when the agricultural aerial applicator lease expires in 2009. Lastly, a future heliport is proposed west of Runway 12-30.

Aircraft Activity and Forecasts

As no current Airport Master Plan exists, the most recent information detailing airport operations is the FAA's Terminal Area Forecast (TAF). The TAF contains a record of both existing and historical airport operations. The TAF reports 50,950 annual operations as having occurred in 2013, the most recent historical year. This number is the best available data for existing operations and is used in this *ALUCP* as the base year for current (2015) operations.

Given that no current Airport Master Plan is available, this *ALUCP* brings forward the forecast assumed in the 1993 *ALUCP* of 100,000 annual operations. This represents a doubling of existing operations within 20 years, which is a conservative assumption.

Although activity at the Madera Municipal Airport has been relatively flat in the past several years, the draft 2014 ALP shows significant expansion of aircraft storage facilities. The forecast presented here assumes that much of the proposed development will occur within the next 20 years.

Aircraft Traffic Patterns

Prevailing winds at the airport are from north to south which equates to a predominant northern traffic flow where aircraft arrive from the south and depart to the north on Runway 30. The primary traffic

[1] *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.

pattern for the airport is on the west side of the airfield; right traffic for Runway 12 and left traffic for Runway 30.

The draft 2014 ALP depicts a future helipad being constructed west of Runway 12-31. It is assumed that helicopter traffic to this future pad would also remain on the west side and utilize a north to south flow similar to the runway.

Traffic patterns used in the noise model include a western touch-and-go pattern, 45-degree downwind entries and departure, as well as straight-in and straight-out procedures from both runway ends.

SURROUNDING LAND USES

Madera Municipal Airport is located in the heart of the San Joaquin Valley, approximately 30 miles north of the City of Fresno. The City of Madera is located in southwestern Madera County and is a gateway to Yosemite National Park, which lies 115 miles to the northeast.

Existing development immediately surrounding the airport includes a mixture of agricultural, industrial, and recreational uses. The Madera Municipal Golf Course is located immediately west of the airport. West of the golf course and immediately north and south of the airport are agricultural uses. Immediately east of the airport is vacant land and industrial uses, including manufacturing, distribution facilities, and supply centers. Agricultural uses currently underlie the approaches to the primary runway (Runway 12-30). The southern end of the Madera Golf Course underlies the approach to Runway 8. The land immediately east of the approach end of Runway 26 is currently vacant with a mobile home park one-half mile east of the end of the runway.

The City of Madera 2009 General Plan designates future land uses within and around the Madera Municipal Airport. The City designates most of the land within the airport boundary as Other Public-Semi Public and designates the east side of the airport property as Industrial, Office, and Commercial. Immediately west of the airport, the City designates the Madera Municipal Golf Course as Open Space, as well as the land underlying the approaches to Runways 12 (northwest), Runway 30 (southeast), and Runway 8 (west). Resource Conservation/Agriculture is planned immediately east of the approach end of Runway 26. Within the City's sphere of influence, the City designates the land immediately west of the golf course and immediately north and south of the airport boundary as Village Reserve.

The Madera County General Plan designates the unincorporated areas south and west of the airport as Agriculture Exclusive and the unincorporated area to the north as Agriculture, Rural Residential, and Light Industrial.

EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

Exhibit 5A: Airport Features Summary – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

Exhibit 5B: Draft 2014 Airport Layout Plan – Depicts the existing and future airfield configuration and airport building areas. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in September 2015.

Exhibit 5C: Airport Activity Data Summary – Presents existing (2015) aircraft activity data provided by the FAA Terminal Area Forecast, and future (2035) activity levels which have been brought forward from the 1993 *ALUCP* for purposes of this updated plan.

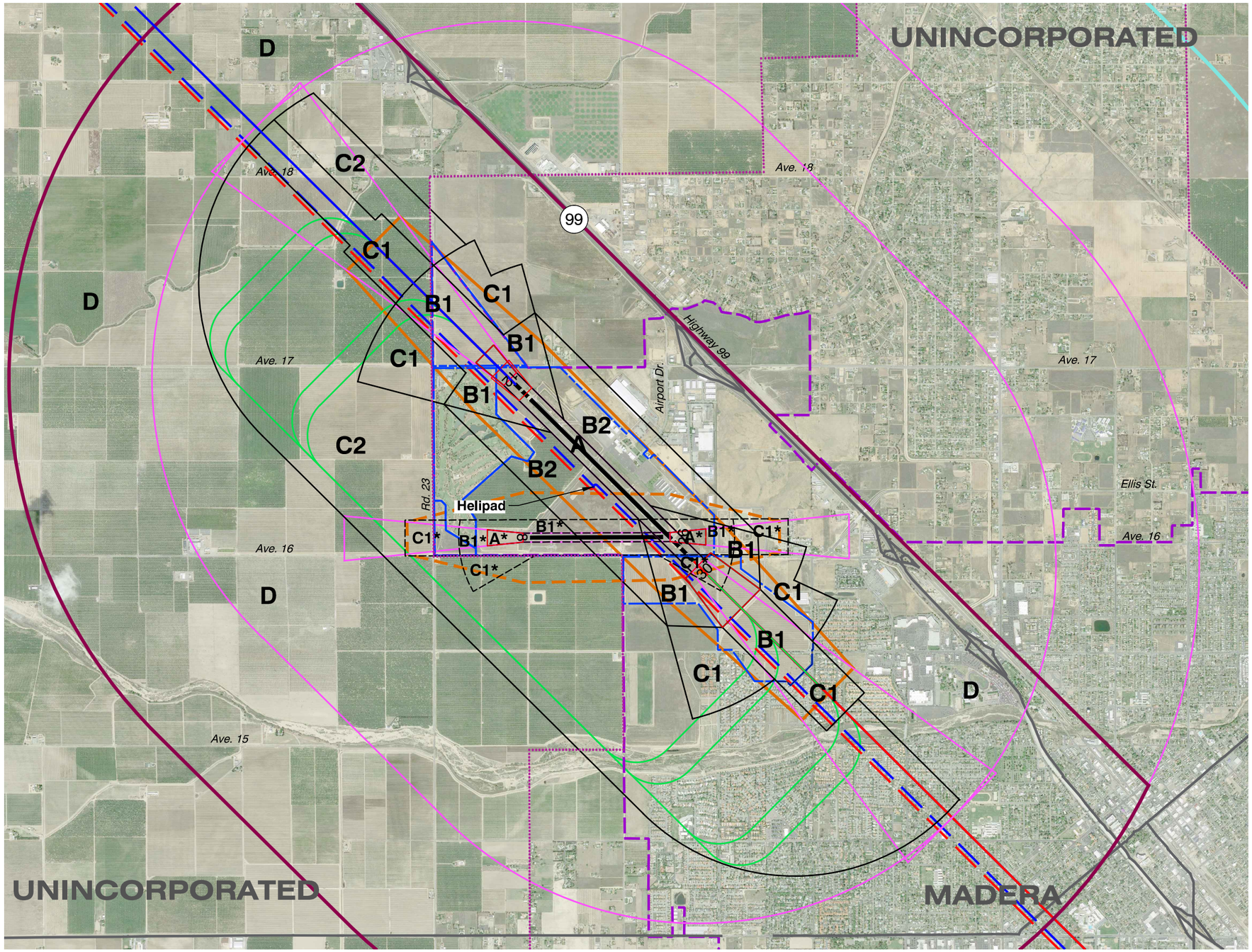
Exhibits 5D and 5E: Compatibility Factors – Depicts the extents of the four compatibility factors upon which the compatibility zones for Madera Municipal Airport were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 100,000 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft and helicopters operating at the airport routinely fly.
- *Safety* – Generic safety zones provided in the *California Airport Land Use Planning Handbook* (October 2011) are applied to the existing and future runway configurations.
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.

Exhibit 5F: Airport Environs Information – Summarizes information about current and planned land uses in the environs of the Madera Municipal Airport. The status of local general plans and airport land use compatibility policies contained in the County of Madera's and City of Madera's general plans are also summarized.

Exhibit 5G: City of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

Exhibit 5H: County of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.



Prepared By: Mead&Hunt www.meadhunt.com

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Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs
- Runway 8-26 Overlay Zones*

Airspace Factors

- Critical Airspace Protection Zone
- Runway 8-26 Critical Airspace Protection Zone
- FAA Obstruction Surfaces (14,000 ft.)[1]
- FAA Height Notification Surface (20,000 ft.; 100:1 slope)
- FAA Wildlife Separation Area (5,000 ft.)[2]

General Aircraft Traffic Pattern[3]

- Arrival
- Departure
- Touch and Go

Helicopter routes shown as dashed lines

Notes

1. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011). Part 77 Surfaces refelect nonprecision approachesto Runway 12, 30 ends and visual approaches to Runway 8-26 ends.
2. Source: Federal Aviation Administration Airport Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (August 2007).
3. Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).

Madera Countywide
Airport Land Use Compatibility Plan
(February 2015 Draft)

Exhibit 5E

Factors Map: Overflight & Airspace

Madera Municipal Airport

Comment 1 EXHIBIT D

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS
P.O. BOX 942874, MS-40
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

September 9, 2015

Mr. Matt Treber, Deputy Director Planning
Community and Economic Development Planning Division
County of Madera
200 West Fourth Street, Suite 3100
Madera, CA 92637-3548

Dear Mr. Treber:

The California Department of Transportation, Division of Aeronautics, received your letter requesting the review and acceptance of the Chowchilla Municipal Airport Layout Plan (ALP), which was approved by the Federal Aviation Administration (FAA) November 18, 2009. Currently, the Airport Land Use Compatibility Plan (ALUCP) for Chowchilla Municipal Airport is being updated, and in accordance with the California Public Utilities Code, section 21675(a), the ALUCP must be based on the most recent ALP.

This letter serves as the Division of Aeronautics review and acceptance of the submitted Chowchilla Municipal ALP, as approved by the FAA, for the inclusion into the draft ALUCP. Please note that any proposed changes must be reviewed and approved by the Division of Aeronautics to ensure the State's participation. If you have any questions, please contact me at (916) 654-7075 or by email at ron.bolyard@dot.ca.gov.

Sincerely,

Ron Bolyard

RON BOLYARD, Aviation Planner
Office of Aviation Planning

Comment 2

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS
P.O. BOX 942874, MS-40
SACRAMENTO, CA 94274-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY 711
www.dot.ca.gov

Serious drought.
Help save water!

September 9, 2015

Mr. Matt Treber, Deputy Director Planning
Community and Economic Development Planning Division
County of Madera
200 West. Fourth Street, Suite 3100
Madera, CA 92637

Dear Mr. Treber:

The California Department of Transportation, Division of Aeronautics, received your letter requesting the review and acceptance of the draft 2014 Madera Municipal Airport Layout Plan (ALP), which will be approved by the Federal Aviation Administration (FAA) late 2015. Currently, the Airport Land Use Compatibility Plan (ALUCP) for Madera Municipal Airport is being updated, and in accordance with the California Public Utilities Code, section 21675(a), the ALUCP must be based on the most recent ALP.

This letter serves as the Division of Aeronautics review and conditional acceptance of the submitted Madera Municipal ALP. The Division's conditional approval is subject to the ALP being approved by the FAA. Please note that any proposed changes must be reviewed and approved by the Division of Aeronautics to ensure the State's participation. If you have any questions, please contact me at (916) 654-7075 or by email at ron.bolyard@dot.ca.gov.

Sincerely,

Ron Bolyard

RON BOLYARD, Aviation Planner
Office of Aviation Planning

Comment 3

Maranda Thompson

From: Matthew Treber <matthew.treber@co.madera.ca.gov>
Sent: Thursday, September 03, 2015 2:27 PM
To: Maranda Thompson
Cc: Norman Allinder
Subject: FW: Madera Countywide Airport Land Use Compatibility Plan

fyi

From: Padilla, Dave@DOT [mailto:dave.padilla@dot.ca.gov]
Sent: Thursday, September 03, 2015 2:25 PM
To: Matthew Treber
Subject: Madera Countywide Airport Land Use Compatibility Plan

Hello Matt,

Caltrans Transportation Planning does not have any concerns with the ALUCP.

Thank you

David Padilla
Associate Transportation Planner
Office of Planning & Local Assistance
1352 W. Olive Avenue
Fresno, CA 93778-2616
Office: (559) 444-2493, Fax: (559) 445-5785
District 6

Comment 4

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

August 31, 2015

Matt Treber
Madera County Airport Land Use Commission
200 W. 4th Street, Suite 3100
Madera, CA 93637

Subject: Madera Countywide Airport Land Use Compatibility Plan (ALUCP) - Chowchilla Municipal
SCH#: 2015071076

Dear Matt Treber:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 28, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Document Details Report
State Clearinghouse Data Base

SCH# 2015071076
Project Title Madera Countywide Airport Land Use Compatibility Plan (ALUCP) - Chowchilla Municipal
Lead Agency Madera County

Type Neg Negative Declaration

Description The Chowchilla Municipal Airport Land use Compatibility Plan (ALUCP) will replace the existing plan adopted in by the Madera County Airport Land Use Commission (ALUC) in 1993. The proposed ALUCP is included as Attachment A to the Initial Study. Preparation of the ALUCP is required by the State Aeronautics Act. The ALUCP is intended to promote compatibility between airport operations and surrounding land uses considering noise, safety, airspace protection and overflight effects. Neither the ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or state, federal, or tribal lands. Nor does the ALUCP propose future airport or land use development, or other physical changes to the environment. Based on the analysis performed, adoption and implementation of the ALUCP will not create a significant effect on the environment.

Lead Agency Contact

Name Matt Treber
Agency Madera County Airport Land Use Commission
Phone 559 675 7821 **Fax**
email
Address 200 W. 4th Street, Suite 3100
City Madera **State** CA **Zip** 93637

Project Location

County Madera
City Chowchilla
Region
Lat / Long 37° 6' 47.8" N / 120° 14' 49.2" W
Cross Streets Avenue 25
Parcel No. 002-250-005, 002-190-024, -011
Township 9S **Range** 16E **Section** 29 **Base** MDB&M

Proximity to:

Highways Hwy 99
Airports Chowchilla Municipal
Railways
Waterways
Schools Chowchilla Sch Dist.
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Air Resources Board; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission

Date Received 07/29/2015 **Start of Review** 07/30/2015 **End of Review** 08/28/2015

Comment 5

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
DIRECTOR

August 28, 2015

Matt Treber
Madera County Airport Land Use Commission
200 W. 4th Street, Suite 3100
Madera, CA 93637

Subject: Madera Countywide Airport Land Use Compatability Plan (ALUCP)
SCH#: 2015071075

Dear Matt Treber:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on August 27, 2015, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2015071075
Project Title Madera Countywide Airport Land Use Compatability Plan (ALUCP)
Lead Agency Madera County

Type Neg Negative Declaration

Description The Madera Municipal Airport Land Use Compatibility Plan (ALUCP) will replace the existing plan adopted in by the Madera County Airport Land Use Commission (ALUC) in 1993. The proposed ALUCP is included as Attachment A to the Initial Study. Preparation of the ALUCP is required by the State Aeronautics Act. The ALUCP is intended to promote compatibility between airport operations and surrounding land uses considering noise, safety, airspace protection and overflight effects. Neither the ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or state, federal, or tribal lands. Nor does the ALUCP propose future airport or land use development, or other physical changes to the environment. Based on the analysis performed, adoption and implementation of the ALUCP will not create a significant effect on the environment.

Lead Agency Contact

Name Matt Treber
Agency Madera County Airport Land Use Commission
Phone 559 675 7821 **Fax**
email
Address 200 W. 4th Street, Suite 3100
City Madera **State** CA **Zip** 93637

Project Location

County Madera
City Madera
Region
Lat / Long 36° 59' 19" N / 120° 6' 44.8" W
Cross Streets Avenue 17
Parcel No. 013-010-040
Township 11S **Range** 17E **Section** 9 **Base** MDB&M

Proximity to:

Highways Hwy 99
Airports Chowchilla Municipal
Railways
Waterways
Schools
Land Use Various including industrial, office, commercial, residential and agricultural

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Economics/Jobs; Fiscal Impacts; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 6; Air Resources Board, Transportation Projects; Regional Water Quality Control Bd., Region 5 (Fresno); Native American Heritage Commission

Date Received 07/29/2015 **Start of Review** 07/29/2015 **End of Review** 08/27/2015

Note: Blanks in data fields result from insufficient information provided by lead agency.

Maranda Thompson

From: Matthew Treber <matthew.treber@co.madera.ca.gov>
Sent: Monday, August 31, 2015 8:31 AM
To: Maranda Thompson
Cc: Norman Allinder
Subject: FW: ALUC Plan Comments
Attachments: Madera Countywide ALUCP_2015 Complete Draft Dr Comments 8-25-15b.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Maranda,

I tried to forward the attached comments earlier but it was to large. I removed the Chowchilla Airport Background section and appendices of the report since the City had no comments on those. Let discuss once we have had an opportunity to review.

Thanks,
Matt

From: Dave Randall [mailto:drandall@cityofmadera.com]
Sent: Monday, August 31, 2015 8:11 AM
To: Norman Allinder; Matthew Treber
Cc: Chris Boyle
Subject: ALUC Plan Comments

Attached are the comments from the City on the ALUC Plan. Please call us if you have any questions. If it would be helpful I would be glad to take the time to walk you or your staff through these comments.

In addition to the comments that are being submitted on the proposed text of the ALUCP, and in keeping with ALUCP Policy 2.3.2, below is a copy of the City's General Plan Policy HS-31. As the ALUC completes its initial review of the City's General Plan per Policy 2.3.2, the City requests that a finding of consistency be made for the City's General Plan. This existing policy was incorporated into the Health and Safety Element of the General Plan when it was updated in 2009. Policy HS-31 states that projects may only be approved where consistency with the compatibility criteria in the ALUCP can be demonstrated. This policy was worded with the understanding that the ALUCP and its compatibility criteria may be updated and revised from time to time, and ensures that all projects being considered, regardless of timing, must be consistent in order to be approved. Rather than incorporate the various compatibility criteria into separate elements, the City included a blanket policy in the Health and Safety Element requiring conformance with all the criteria. Since Policy HS-31 ensures that no conflicts may occur, a finding of consistency between the City's General Plan and the ALUCP may be made. To the extent that the City chooses to amend its general plan land use diagram or to adopt or amend any specific plan, the City will refer those proposals to the ALUC in accordance with the referral policies in the Plan.

David Randall
Public Works Director

SAFETY: AIRPORTS

Policy HS-31

The City shall consider the compatibility criteria in the Airport Land Use Compatibility Plan for the Madera Airport and the Madera Municipal Airport Master Plan in the review of potential land uses or projects. Projects shall be approved only where consistency with the compatibility criteria in the Airport Land Use Compatibility Plan can be demonstrated.

Action Item HS-31.1

Review projects to ensure consistency with Airport Land Use Compatibility Plan and the Madera Municipal Airport Master Plan compatibility criteria at the earliest possible stage of the planning/entitlement process. A determination on consistency shall be made by the entity (City Council, Planning Commission, Staff) given authority to approve the project pursuant to the zoning ordinance.

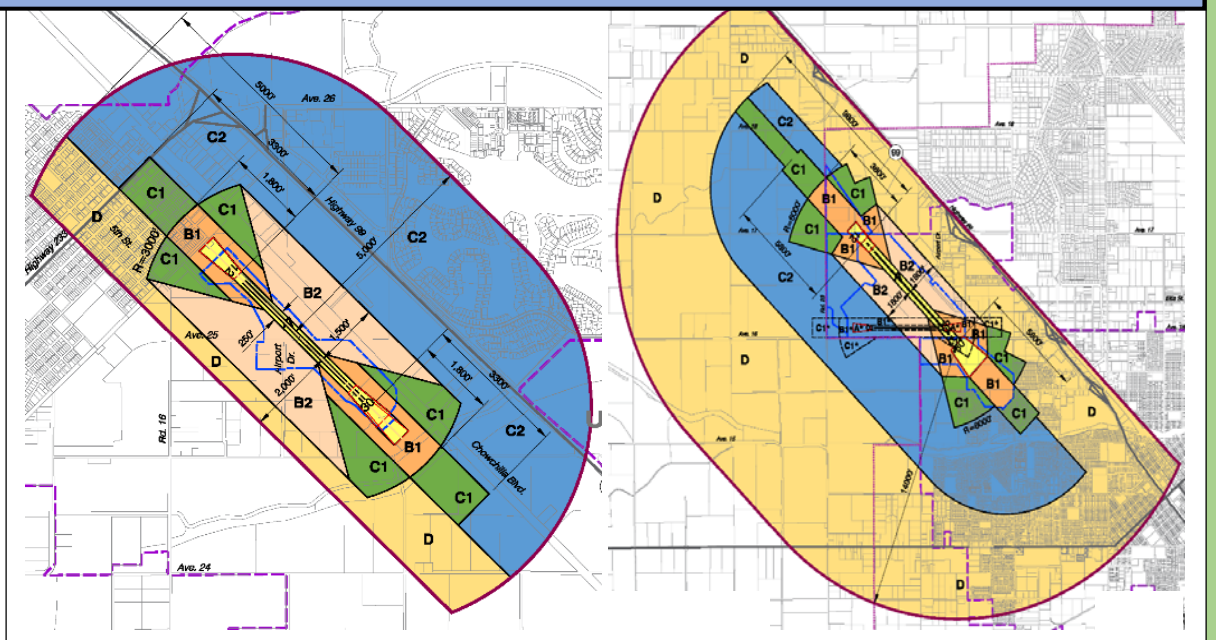
Action Item HS-31.2

Establish and maintain a geographic information system to identify all parcels within the airport influence area and establish a standard review checklist applicable to those projects which includes references to the airport compatibility criteria.

Comment 7

DRAFT

Madera Countywide Airport Land Use Compatibility Plan



Covering Chowchilla Municipal Airport and Madera Municipal Airport

July 2015 Public Review Draft

CHAPTER 1 INTRODUCTION

OVERVIEW 1-1
AIRPORT LAND USE COMMISSION REQUIREMENTS 1-2
ALUC Powers and Duties 1-2
ALUC Limitations 1-2
AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS 1-3
ALUCP Guidelines 1-3
ALUCP Relationship to Airport Master Plans 1-3
ALUCP Airport Activity Forecasts 1-4
ALUCP IMPLEMENTATION REQUIREMENTS 1-4
Relationship of the ALUC to County and City Governments of Madera County 1-4
General Plan Consistency 1-5
Overruling ALUC Decisions 1-6
COMPATIBILITY PLANNING IN MADERA COUNTY 1-7
Madera County ALUC 1-7
Airport Plans for Madera County Airport 1-7
ALUCP Development Process 1-8
ALUCP Contents 1-8

Exhibit

1A Location Map 1-9

CHAPTER 2 PROCEDURAL POLICIES

1. GENERAL APPLICABILITY

1.1. DEFINITIONS 2-1
1.1.1. Actions/Projects/Proposals 2-1
1.1.2. Aeronautics Act 2-1
1.1.3. Airport 2-1
1.1.4. Airport Influence Area/Referral Area 2-1
1.1.5. Airport Land Use Commission (ALUC) 2-1
1.1.6. Airport Land Use Commission Secretary 2-1
1.1.7. Airport Proximity Disclosure 2-2
1.1.8. Airspace Protection Surfaces/Plans/Zones 2-2
1.1.9. ALUCP/Compatibility Plan 2-2
1.1.10. Aviation-Related Use 2-2
1.1.11. Avigation Easement 2-2
1.1.12. Community Noise Equivalent Level (CNEL) 2-2
1.1.13. Compatibility Zone 2-2
1.1.14. Density 2-2
1.1.15. Existing Land Use 2-2
1.1.16. Existing Nonconforming Use 2-3
1.1.17. Federal Aviation Regulations Part 77 2-3
1.1.18. Handbook 2-3
1.1.19. Intensity 2-3
1.1.20. Local Agency 2-3

1.1.21. Noise-Sensitive Land Uses 2-3
1.1.22. Object Free Area (OFA) 2-3
1.1.23. Overrule 2-3
1.1.24. Reconstruction 2-3
1.1.25. Recorded Overflight Notification 2-4
1.1.26. Redevelopment 2-4
1.1.27. Risk-Sensitive Land Uses 2-4
1.2. ALUCP OVERVIEW 2-4
1.2.1. ALUC 2-4
1.2.2. ALUCP 2-4
1.2.3. Effective Date 2-4
1.2.4. Use by ALUC 2-4
1.2.5. Fees 2-5
1.2.6. Examples 2-5
1.3. GEOGRAPHIC SCOPE 2-6
1.3.1. Airport Influence Area 2-6
1.3.2. Airport Growth Assumptions 2-6
1.3.3. Referral Area 2-6
1.4. ALUCP IMPLEMENTATION RESPONSIBILITIES FOR AFFECTED LOCAL AGENCIES 2-6
1.4.1. Affected Local Agencies 2-6
1.4.2. Attain Consistency with the ALUCP 2-6
1.4.3. Referring Land Use Actions 2-6
1.4.4. ALUCP Consistency Evaluations of Land Use Actions 2-6
1.4.5. Referral of Airport Actions 2-6
1.4.6. Use of Districts 2-6
1.4.7. Referencing ALUCP in CEQA Documents 2-6
1.5 LIMITATIONS OF THE ALUC AND THIS ALUCP 2-7
1.5.1. Airport Operations 2-7
1.5.2. Federal, State, and Tribal Entities 2-7
1.5.3. Existing Land Uses 2-7
1.5.4. Development by Right 2-8
1.5.5. Submittal of Environmental Documents 2-8
2. ALUC REFERRAL/REVIEW PROCESS
2.1. ACTIONS SUBJECT TO ALUC REVIEW 2-8
2.1.1. Land Use Actions Always Requiring ALUC Review 2-8
2.1.2. Interim Mandatory Referral of Disputed Land Use Actions 2-9
2.1.3. Voluntary Referral of Land Use Actions 2-9
2.1.4. Airport Actions Always Requiring ALUC Review 2-10
2.2. GENERAL REFERRAL REQUIREMENTS 2-10
2.2.1. Timing of Referral 2-10
2.2.2. Public Input 2-10
2.3. REVIEW PROCESS FOR LAND USE ACTIONS 2-10
2.3.1. Required Submittal Information for Land Use Actions 2-10
2.3.2. Consistency Reviews by ALUC 2-11
2.3.3. Consistency Reviews by ALUC Secretary 2-11
2.3.4. Response Time 2-12
2.4. REVIEW PROCESS FOR AIRPORT ACTIONS 2-13
2.4.1. Required Submittal Information for Airport Actions 2-13

2.4.2. ALUC Action Choices for Airport Actions....2-14
2.4.3. ALUC Action Choices for Plans of New Airports or Heliports....2-14
2.4.4. Response Time....2-14
2.5. ALUC ROLE FOR LOCAL AGENCY OVERRULES....2-15
2.5.1. ALUC Determination of "Inconsistent"....2-15
2.5.2. Overruling of ALUC by Local Agency....2-15
2.5.3. ALUC Comments on Proposed Overruling....2-15

CHAPTER 3 COMPATIBILITY POLICIES AND MAPS

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS
3.1. CRITERIA FOR REVIEW OF GENERAL PLANS, SPECIFIC PLANS, ZONING ORDINANCES, BUILDING REGULATION AND FACILITY MASTER PLANS....3-1
3.1.1. Statutory Requirement....3-1
3.1.2. Elimination of Conflicts....3-1
3.1.3. Establishment of Review Process....3-2
3.1.4. Land Use Conversion....3-2
3.2. CRITERIA FOR REVIEW OF PROPOSED LANDS....3-2
3.2.1. Evaluating Compatibility of New Land Uses....3-2
3.2.2. Compatibility Criteria Table....3-3
3.2.3. Compatibility Policy Map....3-3
3.3. NOISE COMPATIBILITY POLICIES....3-5
3.3.1. Maximum Acceptable Exterior Noise Exposure....3-5
3.3.2. Maximum Acceptable Interior Noise Levels....3-5
3.3.3. Noise-Sensitive Land Uses....3-6
3.3.4. Noise Criteria for Mixed-Use Development....3-6
3.4. SAFETY COMPATIBILITY POLICIES....3-8
3.4.1. Residential Development Density Criteria....3-8
3.4.2. Nonresidential Development Intensity Criteria....3-8
3.4.3. Methodology for Calculation of Sitewide Average Intensity....3-9
3.4.4. Methodology for Calculation of Single-Acre Intensity....3-12
3.4.5. Long-Term Changes in Occupancy....3-13
3.4.6. Sites Split by Two or More Compatibility Zones....3-13
3.4.7. Safety Criteria for Mixed-Use Development....3-14
3.4.8. Risk-Sensitive Land Uses....3-15
3.4.9. Open Land....3-17
3.5. AIRSPACE PROTECTION COMPATIBILITY POLICIES....3-18
3.5.1. Evaluating Airspace Protection/Object Height Compatibility for New Development....3-18
3.5.2. Object Height Criteria....3-19
3.5.3. Criteria Addressing Other Flight Hazards....3-20
3.5.4. Requirements for FAA Notification of Proposed Construction....3-20
3.5.5. ALUC Airspace Review....3-21
3.6. OVERFLIGHT COMPATIBILITY POLICIES....3-23
3.6.1. Recorded Overflight Notification....3-23
3.6.2. Airport Proximity Disclosure....3-23
3.7. CRITERIA FOR SPECIAL CIRCUMSTANCES....3-24
3.7.1. Avigation Easement Dedication....3-24
3.7.2. Existing Nonconforming Uses....3-24

3.7.3. Reconstruction 3-25
3.7.4. Rare Special Events Exception 3-26
3.7.5. Special Conditions Exception 3-26
4. COMPATIBILITY CRITERIA FOR AIRPORT ACTIONS
4.1. REVIEW CRITERIA FOR AIRPORT PLANS OF EXISTING AIRPORTS 3-27
4.1.1. Substance of Review 3-27
4.1.2. Noise Impacts of Airport Expansion 3-27
4.1.3. Consistency Determination 3-28
4.2. REVIEW CRITERIA FOR PROPOSED NEW AIRPORTS AND HELIPORTS 3-28
4.2.1. Substance of Review 3-28
4.2.2. Airport/Land Use Relationship 3-28

Exhibits
1 Floor Area Ratio (FAR) Calculation 3-10
2 Occupancy Load Calculation Example 3-12
3 Split by Compatibility Zones 3-14

Tables
3A Compatibility Criteria .... ff 3-28
3B Compatibility Zone Delineation .... ff 3-28

Maps
3A Compatibility Policy Map .... ff 3-28
3B Compatibility Policy Map: Airspace Protection Surfaces .... ff 3-28

CHAPTER 4 BACKGROUND DATA: CHOWCHILLA MUNICIPAL AIRPORT AND ENVIRONS

INTRODUCTION 4-1
AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS 4-1
Airfield Configuration 4-1
Aircraft Activity Forecasts 4-2
Aircraft Traffic Patterns 4-2
SURROUNDING LAND USES 4-2
EXHIBITS 4-3

Exhibits
4A Airport Features Summary 4-5
4B Airport Layout Plan ....ff 4-6
4C Airport Activity Data Summary 4-7
4D Compatibility Factors Map: Noise and Safety ....ff 4-8
4E Compatibility Factors Map: Overflight and Airspace ....ff 4-8
4F Airport Environs Information 4-9
4G City of Chowchilla General Plan Land Uses .... ff 4-10
4H County of Madera General Plan Land Uses .... ff 4-10

CHAPTER 5 BACKGROUND DATA: MADERA MUNICIPAL AIRPORT AND ENVIRONS

INTRODUCTION 5-1
AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS 5-1
Airfield Configuration 5-2
Aircraft Activity and Forecasts 5-2

Aircraft Traffic Patterns....5-2
SURROUNDING LAND USES....5-3
EXHIBITS....5-3

Exhibits

5A Airport Features Summary....5-5
5B Draft 2014 Airport Layout Plan....ff 5-6
5C Airport Activity Data Summary....5-7
5D Compatibility Factors Map: Noise and Safety....ff 5-8
5E Compatibility Factors Map: Overflight and Airspace....ff 5-8
5F Airport Environs Information....5-9
5G City of Madera General Plan Land Uses....ff 5-10
5H County of Madera General Plan Land Uses....ff 5-10

APPENDICES

A State Laws Related to Airport Land Use Planning
B Methods for Determining Concentrations of People
Table B1 – Occupancy Load Factors
Table B2 – Sample People-Per-Acre Calculations
C General Plan Consistency Checklist
D Sample Implementation Documents
Table D1 – Sample Airport Combining Zone Components
Table D2 – Typical Avigation Easement
Table D3 – Sample Recorded Overflight Notification
E ALUC Referral Form
F Glossary of Terms

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CHAPTER 1

Introduction

1

Introduction

OVERVIEW

This *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)* contains the individual *Compatibility Plan* for each of the two public-use airports in Madera County:

- Chowchilla Municipal Airport
- Madera Municipal Airport

The Madera County Planning Commission plus two aviation experts function as the Madera County Airport Land Use Commission (*ALUC*) for the two airports in Madera County. As adopted by the *ALUC*, the basic function of this *ALUCP* is to promote compatibility between these airports and future land use development in the surrounding areas. The plan accomplishes this function through establishment of a set of compatibility criteria applicable to new development around each airport. Additionally, the *ALUCP* serves as a tool for use by the *ALUC* in fulfilling its duty to review plans, regulations, and other actions of local agencies and airport operators for consistency with the *ALUCP* criteria. Neither this *ALUCP* nor the *ALUC* have authority over existing land uses or over the operation of the airports.

The *Airport Influence Area* for each of the airports, as defined herein, extends roughly 1 to 2.5 miles from the airport runways. These influence areas encompass lands within three local government jurisdictions in Madera County:

- County of Madera
- City of Chowchilla
- City of Madera

These three local government jurisdictions—together with, any city, special district, school district, or community college district in Madera County that exists or may be established or expanded into any of the two *Airport Influence Areas* defined by this *ALUCP*—are subject to the provisions of the plan.[1]

[1] *Public Utilities Code Section 21670(f).*

AIRPORT LAND USE COMMISSION REQUIREMENTS

The creation of *ALUCs* and the preparation of *ALUCPs* are requirements of the California State Aeronautics Act.[2] Provisions for creation of *ALUCs* were first established under state law in 1967 (see Appendix A for a copy of the current statutes). With limited exceptions, an *ALUC* is required in every county in the state. Furthermore, an *ALUCP* is required for each public-use and military airport in the state even in instances where an *ALUC* is not established.

ALUC Powers and Duties

The fundamental purpose of *ALUCs* is to promote land use compatibility around airports. 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."[3]

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

1. *ALUCs* must prepare and adopt an *ALUCP*;
2. *ALUCs* must review the general plans, specific plans, zoning ordinances, building regulations, and certain individual development actions of local agencies for consistency with the policies and criteria in the *ALUCP*; and
3. *ALUCs* must review airport operators' proposed master plans and other airport development plans—such as, proposed nonaviation development of airport property that does not directly serve the flying public—to determine if those plans are consistent with the *ALUCP* or if modifications should be made to the *ALUCP* to reflect current airport planning.

ALUC Limitations

Two specific limitations on the powers of *ALUCs* are set in the statutes. First, as indicated above, is that *ALUCs* have no authority over areas "already devoted to incompatible uses."[4] The common interpretation of this clause is that *ALUCs* have no jurisdiction over existing land uses even if those uses are incompatible with airport activities. An *ALUC* cannot, for example, require that an existing incompatible use be converted to something compatible.

The second explicit limitation is that *ALUCs* have no "jurisdiction over the operation of any airport."[5] This limitation includes anything concerning the configuration of runways and other airport facilities, the types of aircraft operating at the airport, or where they fly.

Additionally, the authority of the *ALUC* does not extend to federal, state, tribal, or neighboring county lands in accordance with the provisions of the state *ALUC* statutes.

---

[2] *The statutes governing ALUCs are set forth in Division 9, Part 1, Chapter 4, Article 3.5, Sections 21670-21679.5 of the California Public Utilities Code (PUC).*
[3] *Public Utilities Code Section 21670(a)(2).*
[4] *Public Utilities Code Section 21674(a).*
[5] *Public Utilities Code Section 21674(e).*

AIRPORT LAND USE COMPATIBILITY PLAN REQUIREMENTS

ALUCP Guidelines

With respect to airport land use compatibility criteria, the statutes say little. Instead, a section of the law enacted in 1994 refers to another document, the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics. Specifically, the statutes say that, when preparing *ALUCPs* for individual airports, *ALUC*s "shall be guided by information"[6] in the *Handbook*. The statutes provide similar language indicating that local agencies "shall be guided" by the Handbook criteria before granting building permits.[7] The *Handbook* is not regulatory in nature, however, and it does not constitute formal state policy except to the extent that it explicitly refers to state laws. Rather, its guidance is intended to serve as the starting point for compatibility planning around individual airports.

An additional function of the *Handbook* is established elsewhere in California state law. The Public Resources Code creates a tie between the *Handbook* and the California Environmental Quality Act (CEQA). The Public Resources Code requires lead agencies to use the *Handbook* as "a technical resource" when preparing CEQA documents assessing airport-related noise and safety impacts of projects located in the vicinity of airports.[8]

The policies and maps in this *ALUCP* rely upon the guidance provided by the current edition of the *Handbook* (October 2011). The October 2011 edition of the *Handbook* is available for downloading from the Division of Aeronautics web site (www.dot.ca.gov/hq/planning/aeronaut).

ALUCP Relationship to Airport Master Plans

ALUCPs are distinct from airport master plans, airport layout plans, and other types of airport development plans, but they are closely connected to them. An airport layout plan is a drawing showing existing facilities and planned improvements. Airport master plans primarily address on-airport issues. The purpose of airport master plans is to assess the demand for airport facilities and to guide the development necessary to meet those demands. A typical airport master plan includes an airport layout plan, but also provides textual background data, a discussion of activity forecasts, and an examination of alternatives along with a detailed description of the proposed development. Airport layout plans and airport master plans are prepared for and adopted by the entity that owns and/or operates the airport. Most large, publicly owned airports have an airport master plan, but many smaller or private airports do not.

In contrast to airport layout plans and airport master plans, the focus of which is normally on on-airport concerns, airport land use compatibility plans mostly address off-airport issues. The major purpose of an *ALUCP* is to ensure that incompatible development does not occur on lands surrounding the airport. *ALUCPs* are required to reflect the planned airport development and anticipated activity at

[6] *Public Utilities Code Section 21674.7(a).*
[7] *Public Utilities Code, Section 21674.7(b)* states that "It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the Division…"
[8] *Public Resources Code Section 21096.*

least 20 years into the future. The responsibility for preparation and adoption of compatibility plans lies with each county's *ALUC*.

The principal connection between the two types of plans stems from the California Public Utilities Code. The statutes require that *ALUC* plans must be based upon a long-range airport master plan adopted by the airport owner/proprietor or, if such a plan does not exist or is outdated for a particular airport, an airport layout plan may be used with the acceptance of the Division of Aeronautics.[9]

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

ALUCP Airport Activity Forecasts

In addition to the requirement that an *ALUCP* be based upon the adopted airport master plan or state-approved airport layout plan, the Public Utilities Code says that an *ALUCP* must reflect "the anticipated growth of the airport during at least the next 20 years."[11] Frequently, unless the master plan is very recent, its forecasts cannot be directly used because they do not cover the requisite 20-year time period. A final forecasting factor therefore is one pointed out in the *Handbook*:

> "For compatibility planning, however, 20 years may be shortsighted. For most airports, a lifespan of more than 20 years can reasonably be presumed. Moreover, the need to avoid incompatible land use development will exist for as long as an airport exists. Once development occurs near an airport, it is virtually impossible—or, at the very least, costly and time consuming—to modify the land uses to ones that are more compatible with airport activities."[12]

Chapters 4 through 5 describe the activity forecasts upon which the *ALUCPs* for Chowchilla Municipal and Madera Municipal Airports are based.

ALUCP Implementation Requirements

Relationship of the ALUC to County and City Governments of Madera County

The fundamental relationship between the *ALUC* and the governments of Madera County and the cities affected by this *ALUCP* is set by the Public Utilities Code. For the most part, *ALUCs* act independently from the local land use jurisdictions. The *ALUC* is not simply an advisory body for the Board of Supervisors or City Councils in the manner that their respective planning commissions are. Rather, the *ALUC* is an autonomous agency and is more equivalent to the Madera County Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the *ALUC* are final and are independent of the Madera County Board of Supervisors or City Councils. The

[9] *Public Utilities Code Section 21675(a).*
[10] *Public Utilities Code Section 21676(c).*
[11] *Public Utilities Code Section 21675(a).*
[12] *Handbook*, p. 3-5.

ALUC does not need county or city approval in order to adopt this *ALUCP* or to carry out *ALUC* land use project review responsibilities. The *ALUC* must, however, consult with the involved agencies when establishing *Airport Influence Area* boundaries.[13]

The responsibility for implementation of the *ALUC*-adopted *ALUCP*, however, rests with the affected local agencies. The Government Code establishes that each county and city affected by an *ALUCP* must make its general plan and any applicable specific plans consistent with the *ALUC's* compatibility plan.[14] Alternatively, local agencies can undertake the series of steps listed in the Public Utilities Code and described later in this chapter to overrule the *ALUC* policies.[15]

The other responsibility of local agencies is to refer their plans and certain other proposed land use actions to the *ALUC* for review so that the *ALUC* can determine whether those actions are consistent with its *ALUCP*. Proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations always must be referred to the *ALUC*. However, other actions, such as those associated with individual development proposals, are subject to *ALUC* review only until such time as the agency's general plan and specific plans have been made consistent with the *ALUC's* plan or the agency has overruled the *ALUC*.[16]

General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an *ALUC's* planning area to modify its general plan and any affected specific plans to be consistent with the *ALUCP*. The law says that the local agency must take this action within 180 days of when the *ALUC* adopts or amends its plan.[17] The only other course of action available to local agencies is to overrule the *ALUC* using the process outlined in the next section.

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

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

Compatibility planning issues can be reflected in a general plan in any, or a combination, of several ways:

- **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.

[13] *Public Utilities Code Section 21675(c).*
[14] *Government Code Section 65302.3.*
[15] *Public Utilities Code Section 21676.*
[16] *Public Utilities Code Section 21676.5(a).*
[17] *Government Code Section 65302.3(b).*

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

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

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

Overruling ALUC Decisions

If an *ALUC* has determined that a local agency's general plan is inconsistent with the *ALUCP* and the local agency wishes to adopt the general plan anyway, then it must overrule the *ALUC*. The statutes are explicit in defining the steps involved in the overrule process. This same process also applies if the local agency intends to overrule the *ALUC* with regard to a finding of inconsistency on proposed adoption or approval of a specific plan, zoning ordinance or building regulation; or an airport master plan; or an individual development proposal for which *ALUC* review is mandatory.[18] The steps that a local agency must take to overrule the *ALUC* are set by state law and court decisions and summarized below. Further discussion is contained in the *Handbook*.

Specific Findings by Local Agency—When overruling the ALUC, the *Local Agency* must make specific findings that the proposed *Action* is consistent with the purposes of the *ALUC* statutes as set forth in Public Utilities Code Section 21670. Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence. Specifically, the governing body of the *Local Agency* must make specific findings that the proposed project will not:

- Impair the orderly, planned expansion of the airport;

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

- Adversely affect the utility or capacity of the airport (such as by reducing instrument approach procedure minimums); or
- Expose the public to excessive noise and safety hazards.

Notification and Voting Requirements—In accordance with the *ALUC* statutes, the *Local Agency* must do all of the following:

- Provide to the *ALUC* and the California Division of Aeronautics a copy of the proposed decision and findings to *Overrule* the *ALUC* at least 45 days prior to the hearing date.
- Hold a public hearing on the matter. The public hearing shall be publicly noticed consistent with the agency's established procedures.
- Include in the public record of any final decision to *Overrule* the *ALUC* any comments received from the *ALUC*, California Division of Aeronautics, Federal Aviation Administration (FAA), or public.
- Make a decision to *Overrule* the *ALUC* by a two-thirds vote of its governing body.

Liability—The *ALUC* statutes indicate that if a *Local Agency* other than the *Airport* owner *Overrules* the *ALUC*, the agency owning and operating the airport "shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the *Local Agency's* decision to *Overrule* the *ALUC's* compatibility determination or recommendation" [19]

COMPATIBILITY PLANNING IN MADERA COUNTY

Madera County ALUC

The Madera County Planning Commission plus two aviation experts function as the *Madera County Airport Land Use Commission* (*ALUC*). The Madera County Planning Director serves as the *ALUC* secretary with support from department staff.

The *ALUC* is responsible for preparing and adopting the *ALUCP* for Chowchilla and Madera Municipal Airports. This *ALUCP* replaces an earlier plan—Airport Land Use Compatibility Plan, Madera County Airports—which the *ALUC* adopted for the airports in 1993.

Airport Plans for Madera County Airports

The two airports addressed by this *ALUCP* are both public-use general aviation facilities. In accordance with state law, the current and planned physical features and operational characteristics of each airport having implications for land use compatibility have been taken into account in the preparation of this *ALUCP*. The aeronautical factors upon which this *ALUCP* is based are summarized in Chapters 4 and 5.

[19] See *Public Utilities Code Sections 21678* and *21675.1(f)*.

ALUCP Development Process

As required by California state law, the *Handbook* provides guidance for the compatibility policies set forth in this *ALUCP*. The *Handbook* was used both to structure and define compatibility criteria and to establish the procedures to be followed by the *ALUC* and local agencies in implementation of the criteria.

The aeronautical data serving as the foundation of this *ALUCP* is based upon airport layout plans showing existing and proposed airport improvements over the requisite 20-year planning timeframe. With respect to aircraft activity projections, the *ALUCP* again relies upon data obtained from each airport regarding historic, current, and projected operations.

Additionally, a Technical Advisory Group was established specifically for the *ALUCP* update project. The group's primary membership consisted of Madera County/*ALUC* staff, representatives from each of the two public-use airports covered by this plan (Chowchilla Municipal and Madera Municipal Airports), and planning staff from the Cities of Chowchilla and Madera.

The Technical Advisory Group assisted with providing airport and land use data, reviewing discussion papers and draft materials, and providing technical input for consideration in the administrative draft plan. Additionally, the group was charged with keeping their respective local jurisdictions informed of the *ALUCP* Update progress.

ALUCP Contents

This *ALUCP* is organized into five chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for Madera County in particular. Chapters 2 and 3 present *ALUC* procedural policies and compatibility policies applicable uniformly to each airport. Chapters 4 and 5 present airport and land use background information regarding each of the airports in alphabetical sequence.

Also included in this document are a set of appendices containing a copy of state statutes concerning airport land use commissions and other general information pertaining to airport land use compatibility planning. This material is mostly taken from other sources and does not represent *ALUC* policy except where cited as such in Chapters 2 through 4.

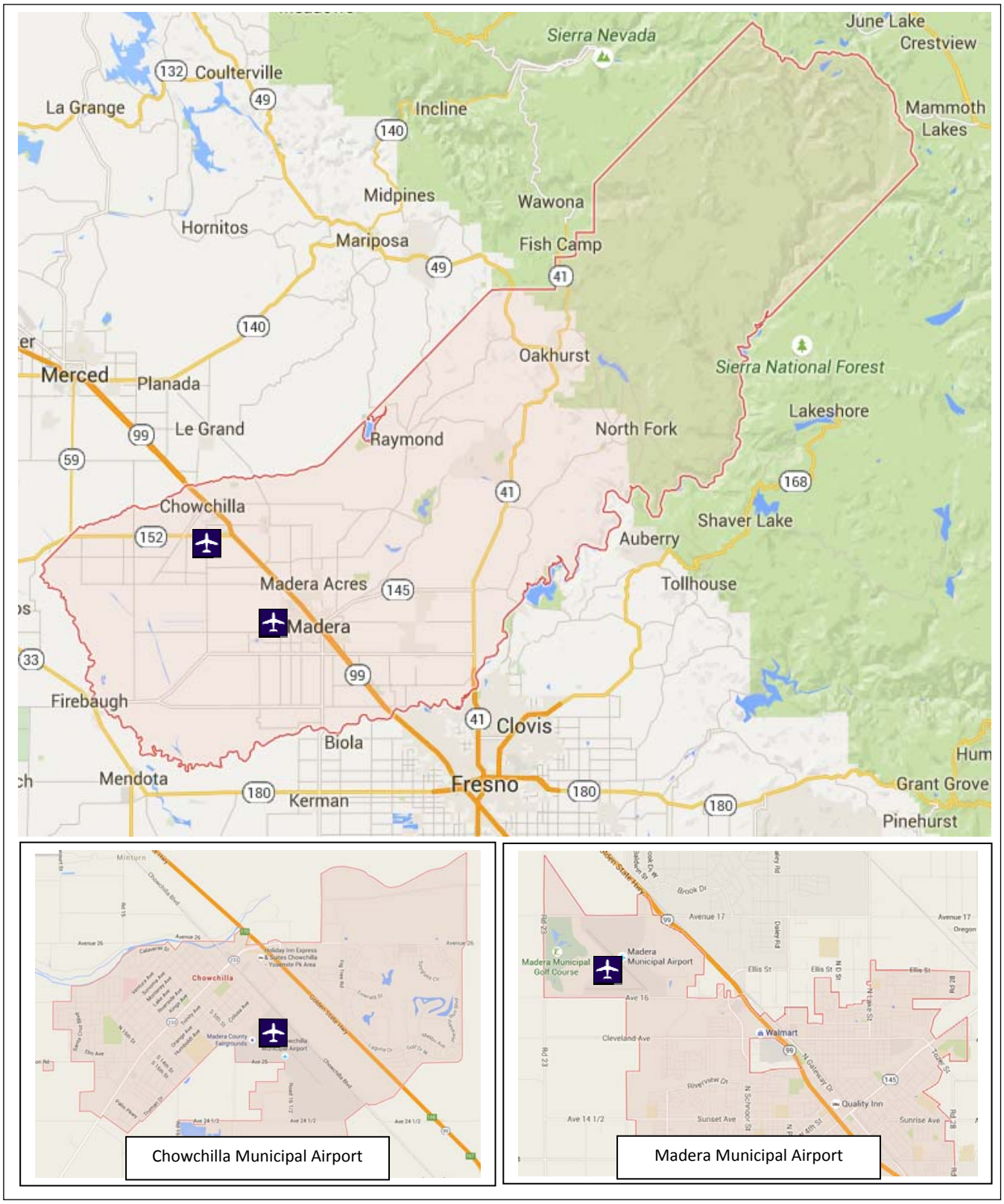

Exhibit 1A

Location Map

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CHAPTER 2

Procedural Policies

2

Procedural Policies

1. General Applicability

1.1. Definitions

The following definitions apply for the purposes of the policies set forth in this *ALUCP*. In addition, general terms pertaining to airport and land use planning are defined in the *Glossary* (Appendix F).

1.1.1. *Actions/Projects/Proposals:* Terms similar in meaning and all referring to the types of airport and land use planning and development activities (permanent or temporary), either publicly or privately sponsored, that are subject to the provisions of this *ALUCP*. Other terms with similar meaning include *Land Use Actions* and *Airport Actions.*

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

1.1.3. *Airport:* The Chowchilla Municipal Airport, Madera Municipal Airport or any new public-use or military airport that may be created within Madera County.

1.1.4. *Airport Influence Area/Referral Area:* An area, as delineated herein, in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The *Airport Influence Area* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with the policies herein.

1.1.5. *Airport Land Use Commission (ALUC):* The Madera County Planning Commission plus two aviation experts, or a legally established successor agency, acting in its capacity as the *ALUC* for Madera County. The *ALUC* is an autonomous entity whose decision-making powers are independent of the County Board of Supervisors. The *ALUC* is established in accordance with the mandates of the California State Aeronautics Act.[1] The Madera County Planning Department serve as the *ALUC* staff.

1.1.6. *Airport Land Use Commission Secretary:* The Madera County Planning Director or a person designated by the Director with the concurrence of the *ALUC* Chairperson.

[1] *Public Utilities Code Section 21670.1.*

1.1.7. *Airport Proximity Disclosure:* A form of buyer awareness documentation required by California state law and applicable to many transactions involving residential real estate including previously occupied dwellings. The disclosure notifies a prospective purchaser that the property is located in proximity to an *Airport* and may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around the *Airport*. See Policy 3.6.2 for applicability. Also see Policy 1.1.25 for a related buyer awareness tool, *Recorded Overflight Notification*.

1.1.8. *Airspace Protection Surfaces/Plans/Zones:* Imaginary surfaces in the airspace surrounding an *Airport* defined in accordance with criteria set forth in Federal Aviation Regulations Part 77.[2] These surfaces establish the maximum height that objects on the ground can reach without potentially creating constraints or hazards to the use of the airspace by aircraft approaching, departing, or maneuvering in the vicinity of an *Airpor*t. The *Airspace Protection Surfaces* are depicted in the *Airspace Protection Plan* for the *Airports* addressed by this *ALUCP* and are presented in Chapter 3.

1.1.9. *ALUCP/Compatibility Plan:* This document, the *Madera County Airport Land Use Compatibility Plan (ALUCP).*

1.1.10. *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, but are not limited to, runways, taxiways, and their associated protection areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc. Hotels or other commercial/industrial facilities on airport property do not qualify as an *Aviation-Related Use*.

1.1.11. *Avigation Easement:* An easement that conveys rights associated with aircraft overflight of a property, including but not limited to creation of noise and limits on the height of structures and trees, etc. (see Policy 3.7.1).

1.1.12. *Community Noise Equivalent Level (CNEL):* The noise metric adopted by the State of California for land use planning purposes, including describing airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same *CNEL* value.

1.1.13. *Compatibility Zone:* Any of the zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* in Chapter 3 for the purposes of assessing land use compatibility within the *Airport Influence Area* defined herein (See Policy 3.2.3).

1.1.14. *Density:* The number of dwelling units per acre. *Density* is used in this *ALUCP* as the measure by which proposed residential development is evaluated for compliance with noise and safety compatibility criteria. *Density* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.19 for definition of nonresidential *Intensity*.

1.1.15. *Existing Land Use:* A land use that either physically exists or for which *Local Agency* commitments to the proposal have been obtained entitling the project to move forward (see Policy 1.5.3).

[2] Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions. Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of the Federal Aviation Regulations Part 77 is available at www.ecfr.gov)

1.1.16. *Existing Nonconforming Use:* An *Existing Land Use* that does not comply with the compatibility criteria set forth in this *ALUCP*. See Policies 1.5.3(d) and 3.7.2 for criteria applicable to *Land Use Actions* involving *Nonconforming Uses*.

1.1.17. *Federal Aviation Regulations Part 77:* The part of Federal Aviation Regulations that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Federal Aviation Regulations Part 77 height limits constitute airspace obstructions (see Section 3.5). Federal Aviation Regulations Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace. (A copy of Federal Aviation Regulations Part 77 is available at www.ecfr.gov; also see *Glossary*).

1.1.18. *Handbook:* The *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation (Caltrans), Division of Aeronautics in October 2011. The *Handbook* provides guidance to *ALUCs* for the preparation, adoption, and amendment of *ALUCPs*.

1.1.19. *Intensity:* The number of people per acre. *Intensity* is used in this *ALUCP* as the measure by which most proposed *Nonresidential Development* is evaluated for compliance with safety compatibility criteria. Sitewide average *Intensity* is calculated on the basis of the overall site size (i.e., gross acreage of the site). See Policy 1.1.14 for definition of residential *Density*.

1.1.20. *Local Agency:* Any county, city, or other local governmental entity such as a special district, school district, or community college district—including any future city or district—having any jurisdictional territory lying within the *Airport Influence Area* as defined by this *ALUCP*. These entities are subject to the provisions of this *ALUCP* (see Section 1.4).

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

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

1.1.23. *Overrule:* An action that a *Local Agency* can take in accordance with provisions of state law if the *Local Agency* wishes to proceed with adoption or amendment of a general plan or specific plan, adoption or approval of a zoning ordinance or building regulation, approval or modification of a facility master plan, or modification of an airport master plan[3] affecting the *Airport Influence Area* in spite of an *ALUC* finding that the *Action* is inconsistent with this *ALUCP*. See Section 2.5 for process required to *Overrule* the *ALUC*.

1.1.24. *Reconstruction*: The rebuilding of an *Existing Nonconforming* structure that has been fully or partially destroyed as a result of a calamity (not planned *Reconstruction* or *Redevelopment*). See Policy 3.7.3 for development conditions associated with *Reconstruction* projects.

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

1.1.25. *Recorded Overflight Notification:* A form of buyer awareness documentation recorded in the chain of title of a property stating that the property may be subject to annoyances and inconveniences associated with the flight of aircraft to, from, and around a nearby airport. Unlike an *Avigation Easement* (see Policy 1.1.11), a *Recorded Overflight Notification* does not convey property rights from the property owner to the *Airport* and does not restrict the height of objects. See Policy 3.6.1 for applicability. Also see Policy 3.6.2 for a related buyer awareness tool, *Airport Proximity Disclosure*.

1.1.26. *Redevelopment:* Any new construction that replaces the existing use of a site, particularly at a *Density* or *Intensity* greater than that of the *Existing Land Use*. *Redevelopment* projects are subject to the provisions of this *ALUCP* to the same extent as other forms of proposed development. A new use proposed within an existing facility is not considered *Redevelopment* and is not subject to this *ALUCP*, unless discretionary action by the *Local Agency* (e.g., general plan/zoning amendment, additional parking) is required.

1.1.27. *Risk-Sensitive Land Uses:* Land uses that represent special safety concerns irrespective of the number of people associated with the use (see Policy 3.4.8). Specifically: uses with vulnerable occupants; hazardous materials storage; or critical community infrastructure.

1.2. ALUCP Overview

1.2.1. *ALUC*: The Madera County Planning Commission plus two aviation experts designated as the *ALUC* for Madera County in accordance with the provisions of California State law.[4]

1.2.2. *ALUCP:* With limited exceptions, California law requires an *ALUCP* for each public-use and military airport in the state. The basic purpose of this document, the *Madera Countywide Airport Land Use Compatibility Plan (ALUCP)*, is to establish the procedures and criteria applicable to airport land use compatibility planning in the vicinity of Chowchilla Municipal Airport and Madera Municipal Airport or any new public-use or military airport that may be established within Madera County. The *ALUCP* is prepared in accordance with the requirements of the California State Aeronautics Act[5] and guidance provided in the *California Airport Land Use Planning Handbook (Handbook)* published by the California Department of Transportation, Division of Aeronautics in October 2011.

1.2.3. *Effective Date:* The policies herein are effective as of the date that the *ALUC* adopts the *ALUCP*.

(a) The effective date of this *ALUCP* is: [adoption date to be inserted]

(b) The previous *ALUCP* for the *Airports*—referred to as the *Airport Land Use Compatibility Plan, Madera County Airports*—was adopted by the *ALUC* in December 1993. The 1993 plan shall remain in effect until the *ALUC* adopts this *ALUCP*.

(c) Any project or phase of a project that has received *Local Agency* approvals sufficient to qualify it as an *Existing Land Use* (see Policies 1.1.15 and 1.5.3) prior to the date of the *ALUC's* adoption of this *ALUCP* shall not be required to comply with the policies herein. Rather, the policies of the 1993 plan shall apply.

1.2.4. *Use by ALUC:* The *ALUC* shall:

[4] *Public Utilities Code Section 21670.1.*
[5] *Public Utilities Code Section 21670 et seq.*

(a) Formally adopt this *ALUCP*.[6]

(b) When a *Local Agency* refers a *Land Use Action or Airport Action* to the *ALUC* for review as provided by Section 2.1, make a determination as to whether such *Action* is consistent with the criteria set forth in this *ALUCP*.

1.2.5. *Fees:* Fees shall be established by the *ALUC* for the purpose of defraying costs of providing *ALUC* services.[7] Any fees established by the *ALUC* shall be reviewed annually by the *ALUC* or upon recommendation of the *ALUC Secretary*, and adjusted as necessary.

1.2.6. *Examples:* Where an example is used in this *ALUCP*, such example or examples are provided for purposes of illustration only and any such example or set of examples are not intended nor shall such be construed as an exhaustive list of the subject matter to which it corresponds.

1.3. Geographic Scope

1.3.1. *Airport Influence Area*: The *Airport Influence Area* addressed by this *ALUCP* encompasses all lands on which the uses could be negatively affected by current or future aircraft operations at the *Airport* as well as lands on which the uses could negatively affect airport usage and thus necessitate restriction on those uses.[8]

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

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

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

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

(4) Overflight: Locations where aircraft overflying can be intrusive and annoying to many people.

(b) Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed herein and are not factors that the *ALUC* shall consider in reviewing land use projects.

1.3.2. *Airport Growth Assumptions:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* reflects the existing configuration of the *Airport*, planned airport expansion and projected aircraft activity covering the requisite 20-year planning horizon.[9] Chapters 4 and 5 document the aeronautical assumptions upon which this *ALUCP* is based for Chowchilla Municipal Airport and Madera Municipal Airport, respectively.

[6] In accordance with *Public Utilities Code Section 21674(c)*.
[7] *Public Utilities Code Section 21671.5(f)* allows for ALUCs to charge fees for project reviews.
[8] The basis for delineating the *Airport Influence Area* is set by state law in *Business and Professions Code Section 11010*.
[9] See *Public Utilities Code Section 21675(a)*.

1.3.3. *Referral Area:* The *Airport Influence Area* defined by this *ALUCP* for each *Airport* constitutes the *Referral Area* within which certain *Land Use Actions* and *Airport Actions* are subject to *ALUC* review to determine consistency with this *ALUCP*. See Section 2.1 for the types of *Actions* subject to *ALUC* review.

1.4. ALUCP Implementation Responsibilities for Affected Local Agencies

1.4.1. *Affected Local Agencies:* The policies of this *ALUCP* shall apply to each of to the following *Local Agencies* (see Policy 1.1.20) in Madera County having jurisdiction over lands within all or parts of an *Airport Influence Area* defined by this *ALUCP;* specifically:

(a) County of Madera.

(b) Cities of Chowchilla and Madera.

(c) Any existing or future special districts, school districts, or community college districts within Madera County to the extent that the district boundaries extend into an *Airport Influence Area*.

(d) Any future city within Madera County that may be incorporated within an *Airport Influence Area*.

1.4.2. *Attain Consistency with the ALUCP:* Affected *Local Agencies* shall modify their respective general plans, applicable specific plan(s), zoning ordinance and building regulations to be consistent with the policies and criteria set forth in this *ALUCP*.[10]

1.4.3. *Referring Land Use Actions*: Affected *Local Agencies* shall refer the *Land Use Actions* specified in Section 2.1.

1.4.4. *ALUCP Consistency Evaluations of Land Use Actions:* Except those *Land Use Actions* requiring *ALUC* review as specified in Section 2.1, affected *Local Agencies* shall conduct their own consistency evaluations for individual development projects proposed for sites within an *Airport Influence Area* by utilizing the *ALUCP*, either directly or as reflected in the appropriately modified general plan, specific plan and zoning ordinance. The *Local Agency* and its staff are responsible for ensuring that a development continues to comply with *ALUCP* criteria on an on-going basis following completion of the project (i.e., usage *Intensity* and height limitations in particular).

1.4.5. *Referral of Airport Actions:* Public or private entities owning an existing *Airport* or proposing to construct a new public or private airport or heliport shall refer the *Airport Actions* specified in Section 2.1.

1.4.6. *Use by Districts:* Special districts, school districts, and community college districts shall apply the policies of this *ALUCP* when creating facility master plans and making other planning decisions regarding the proposed development of lands under their control (i.e., through land acquisition or lease) with the *Airport Influence Area*.

1.4.7. *Referencing ALUCP in CEQA Documents:* Affected *Local Agencies* preparing an environmental document for any project within the *Airport Influence Area* shall address the compatibility criteria contained in this *ALUCP* in addition to referencing guidance from the *Handbook*.[11]

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[10] *Public Utilities Code Section 21676(a)* specifically requires general plan consistency. Because specific plans and zoning ordinances are also subject to *ALUC* review, the consistency requirement also extends to them.

[11] The California Environmental Quality Act (CEQA) requires environmental documents for projects situated within an *Airport Influence Area* to evaluate whether the project would expose people residing or working in the project area to excessive

1.5. Limitations of the ALUC and this ALUCP

1.5.1. *Airport Operations:* In general, neither the *ALUC* nor this *ALUCP* have authority over the planning and design of on-airport facilities or over *Airport* operations including where and when aircraft fly, the types of aircraft flown, and other aspects of aviation.[12] Exceptions to this limitation are as follows:

(a) State law requires *ALUC* review of airport master plans and certain *Airport* expansion plans to the extent that future *Airport* activities could have off-airport land use compatibility implications (see Policy 2.1.4).[13]

(b) Nonaviation development of *Airport* property is subject to the *ALUCP* criteria in the same manner that *Land Use Actions* involving off-airport property are required to be consistent with the *ALUCP* criteria.

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

1.5.3. *Existing Land Uses:* The policies of this *ALUCP* do not apply to *Existing Land Uses*.[14] A land use is considered to be "existing" when one or more of the below conditions has been met prior to the adoption date of this *ALUCP* by the *ALUC*.

(a) Qualifying Criteria: An *Existing Land Use* is one that either physically exists or for which certain *Local Agency* commitments to the proposal have been obtained. For the purposes of this *ALUCP,* the *ALUC* considers the following *Land Use Actions* to have a vested right to proceed with the development:[15]

(1) A valid building permit has been issued and not yet expired;

(2) A development agreement has been approved and remains in effect;

(3) A use permit (e.g., conditional use permit) has been approved and not yet expired;

(4) A vesting tentative map has been approved and not yet expired;

(5) A tentative map (subdivisions creating 5 or more parcels or condominiums) or parcel map have been approved and not yet expired; and

(6) A final subdivision map has been recorded.

(b) Expiration of *Local Agency* Commitment: If a *Local Agency*'s commitment to a development proposal, as set forth in Paragraph (a) of this policy, expires, the proposal will no longer qualify as an *Existing Land Use*. As such, the proposal shall be subject to the policies of this *ALUCP*.

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levels of airport-related noise or to airport-related safety hazards (Public Resources Code Section 21096). In the preparation of such environmental documents, the law specifically requires that the *California Airport Land Use Planning Handbook* published by the California Division of Aeronautic be utilized as a technical resource.

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

[13] See *Public Utilities Code Sections 21676(c) and 21664.5*.

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

[15] Vested means "the irrevocable right to complete construction notwithstanding an intervening change in the law that would otherwise preclude it." ([*McCarthy v. California Tahoe Regional Planning Agency*, (1982) 129 Cal.App.3d 222, 230 (1982).)]. According to the California Supreme Court, the right to develop becomes vested when all discretionary approvals for a project have been obtained and only ministerial (administrative) approvals remain [*AVCO Community Developers, Inc. v. South Coast Commission*, 17 Cal.3d 785, 791 (1976)]. Determination of what is a ministerial action varies by *Local Agency*.

(c) Revisions to Approved Development: Filing of a new version of any of the approval documents listed in Paragraph (a) of this policy means that the use no longer qualifies as an *Existing Land Use* and, therefore, is subject to *ALUCP* criteria established in Section 3 in Chapter 3.

(d) *Existing Nonconforming Uses*: The *ALUC* has no authority over *Existing Nonconforming Uses* nor the ability to compel *Local Agencies* to reduce or remove *Existing Nonconforming Uses* from the airport environs. Proposed changes to uses within existing structures are subject to the *ALUCP* criteria if the changes require discretionary action by the *Local Agency* and would result in an increased nonconformity with the compatibility criteria (see Policy 3.7.2). Proposed *Redevelopment* (see definition in Policy 1.1.26) is, however, subject to conformance with the *ALUCP* criteria the same as new development.

(e) Determination: The *ALUC* shall make the determination as to whether a specific project meets the qualifying criteria set forth in Paragraph (a) of this policy. Once the *ALUC* finds that a *Local Agency's* general plan is consistent with the *ALUCP*, this determination shall be made by the *Local Agency*.

1.5.4. *Development by Right*:

(a) Nothing in this *ALUCP* prohibits:

(1) Construction of a single-family home on a legal lot of record as of the date of adoption of this *ALUCP* provided that the home is not within *Compatibility Zone A* and the use is permitted by local land use regulations.

(2) Construction of a secondary unit as defined by state law and local regulations.

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

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

1.5.5. *Submittal of Environmental Documents:* The *ALUC* does not have a formal responsibility to review the environmental document associated with *Land Use Actions* or *Airport Actions* referred to it for review. If an environmental document has been prepared at the time that a *Land Use Action* or *Airport Action* is referred for review and the document contains information pertinent to the review, then a copy should be included with the referral (see Policy 2.3.1).

2. ALUC REFERRAL/REVIEW PROCESS

2.1. Actions Subject to ALUC Review

2.1.1. *Land Use Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Land Use Actions*, the *Local Agency* always must refer the *Land Use Action* to the *ALUC* for determination of consistency with this *ALUCP*:

(a) *Local Agency* adoption or approval of any new general plan, specific plan, or facility master plan or any amendment thereto that affects lands within the *Airport Influence Area.*[16]

(b) *Local Agency* adoption or approval of a zoning ordinance or building regulation, including any proposed change to any such ordinance or regulation, that (1) affects land within the *Airport Influence Area* and (2) involves the types of airport impact concerns listed in Policy 1.3.1(a). [17] For example, a zoning code change modifying building setback requirements would not require a consistency review by the *ALUC*.

(c) Amendments to general plans, specific plans, zoning ordinance or building regulation that have general applicability throughout the community or specifically to lands within an *Airport Influence Area* require formal review and action by the *ALUC*.

(d) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide formal consistency determinations on *Land Use Actions* involving parcel-specific amendments (e.g., land use designation change associated with a development proposal).

2.1.2. *Interim Mandatory Referral of Disputed Land Use Actions:* Until such time a *Local Agency* either makes its general plan or specific plan consistent with the *ALUCP* or *Overrules* the *ALUC*, the *Local Agency* must refer all *Land Use Actions,* including individual development proposals, wherein there is a dispute regarding a proposed project's compatibility with *Airport* activities.*[18]*

(a) The *ALUC* will mediate disputes that cannot be resolved by the *Local Agency*.

(b) The *ALUC* will review matters appealed to it by the *Local Agency*, project applicant, *Airport* owner, or other interested party or public.

(c) When acting on a disputed *Land Use Action*, the *ALUC* shall hold a public hearing and issue formal findings on the disputed *Land Use Action* by majority vote.

2.1.3. *Voluntary Referral of Land Use Actions:* A *Local Agency* may voluntarily refer an *Action* or individual development proposal to the *ALUC* involving a question of compatibility with *Airport* activities for informal review and comment.[19]

(a) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide comments on all *Actions* referred to the *ALUC* on a voluntary basis.

(b) Because the *ALUC* review of *Actions* referred on a voluntary basis does not represent a formal consistency determination as is the case with *Actions* referred under Policies 2.1.1, 2.1.2 or 2.1.4, *Local Agencies* are not required to adhere to the overruling process if they elect to approve a project without incorporating design changes or conditions recommended by the *ALUC*.

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

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

[18] *Public Utilities Code Section 21676(b)* allows *ALUCs* to require *Local Agencies* to refer "all actions, regulations, and permits" involving lands within an *Airport Influence Area* to the *ALUC* for review until such time that the *Local Agency* amends its general plan or specific plan to be consistent with the *ALUCP* or *Overrules* the *ALUC*. The *ALUC* for Madera County has opted to reduce this all-inclusive list to just those *Actions* always requiring *ALUC* review (see Policies 2.1.1 and 2.1.4). However, the *ALUC* statutes also require *ALUCs* to "assist local agencies" in ensuring compatible land uses within an *Airport Influence Area*. Therefore, during this interim period before the *Local Agency* attains general plan or specific plan consistency with this *ALUCP* or *Overrules* the *ALUC*, the *ALUC* for Madera County will mediate disputes arising from the adoption or approval of an individual development proposal by a *Local Agency*.

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

2.1.4. *Airport Actions Always Requiring ALUC Review:* Prior to approving any of the following types of *Airport Actions*, the *Local Agency* owning the *Airport* always must refer the *Airport Action* to the *ALUC* for determination of consistency with this *ALUCP:*

(a) Adoption or modification of a master plan (see Sections 2.4 and 4).[20]

(b) Any proposal for "expansion" of the *Airport* not reflected in Chapters 4 and 5 of this *ALUCP* if such expansion will require an amended Airport Permit from the State of California (see Sections 2.4 and 4.1). As used in the statutes, "expansion" primarily includes construction of a new runway, extension, or realignment of an existing runway, or related acquisition of land.[21]

(c) Any proposal for a new *Airport* or heliport whether for public use or private use must be submitted for *ALUC* review if the facility requires a State Airport Permit (see Sections 2.4 and 4.2).[22]

2.2. General Referral Requirements

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

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

(b) Completion of a formal application with the *Local Agency* is not required prior to a *Local Agency*'s referral of a proposed *Land Use Action* or *Airport Action* to the *ALUC*. Rather, a project applicant may request, and the *Local Agency* may refer, a proposed *Action* to the *ALUC* for early review, so long as the *Local Agency* is able to provide the *ALUC* with the project submittal information for the proposal, as specified and required in Policies 2.3.1 and 2.4.1 of this *ALUCP*.

2.2.2. *Public Input:* Where applicable, the *ALUC* shall provide public notice and obtain public input before acting on any *Land Use Action* or *Airport Action* under consideration.[23]

2.3. Review Process for Land Use Actions

2.3.1. *Required Submittal Information for Land Use Actions:* Copies of the complete text and maps of the plan, ordinance, or regulation proposed for adoption or amendment shall be submitted to the *ALUC*. Any supporting material, such as environmental documents, assessing the proposal's consistency with the *ALUCP* should be included. As indicated in Policy 1.5.5,

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

[21] *Public Utilities Code Section 21664.5.*

[22] Required by *Public Utilities Code Section 21661.5. Airports* and heliports requiring state permits are defined in *California Code of Regulations Title 21 Sections 3525 through 3560.*

[23] *Public Utilities Code Section 21675.2(d). Section 3.7.2 recommends following the notice procedures applicable to general plans; specifically Government Code Sections 65090, 65091 and 65353. Generally, notice must be sent to each affected property owner unless mailing of more than 1,000 such notices would be required. In this case, notice may be published in a newspaper of general circulation serving the affected area.*

the *ALUC* does not have a formal responsibility to review an environmental document associated with a *Land Use Action* referred to the *ALUC*. However, if the environmental document contains information pertinent to the *ALUC's* consistency review, then a copy should be included with the referral to enable the *ALUC* to make a consistency determination of the referred *Land Use Action*.

2.3.2. *Consistency Reviews by ALUC:*

(a) Initial General Plan Consistency*:* In conjunction with the adoption or amendment of this *ALUCP*, the *ALUC* shall review the general plans and specific plans of affected *Local Agencies* to determine their consistency with the *ALUC*'s policies. State law[24] requires that, within 180 days of the *ALUC*'s adoption or amendment of this *ALUCP*, each *Local Agency* affected by the plan must amend its general plan and any applicable specific plan(s) to be consistent with the *ALUCP* or, alternatively, provide required notice, adopt findings, and *Overrule* the *ALUC* in accordance with statutory requirements.[25]

(b) *Land Use Actions*: Except as provided by Paragraph 2.1.1(d), a proposed *Land Use Action* referred to the *ALUC* on a mandatory basis (those listed in Policies 2.1.1, 2.1.2, and 2.1.4) shall require a formal consistency determination by the *ALUC*.

(1) The *ALUC Secretary* shall review the proposal to determine if it is consistent with the *ALUCP* policies.

(2) The *Land Use Action* shall be placed on the *ALUC* agenda for action.

(c) *ALUC Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP*, the *ALUC* has three choices of action:

(1) Find the proposed *Land Use Action* consistent with the *ALUCP*. To make such a finding with regard to a plan, ordinance or regulation the conditions identified in Section 3.1 must be met. For parcel-specific amendments, the conditions identified in Section 3.2 must be met.

(2) Find the proposed *Land Use Action* consistent with the *ALUCP*, subject to conditions and/or modifications that the *ALUC* may require. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed.

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

2.3.3. *Consistency Reviews by ALUC Secretary:*

(a) The *ALUC* delegates to the *ALUC Secretary* the following:

(1) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide a formal consistency determination on *Land Use Actions* involving parcel-specific amendments (see Paragraph 2.1.1(d)).

(2) The *ALUC Secretary* is authorized on behalf of the *ALUC* to provide informal comments on *Land Use Actions* forwarded to the *ALUC* on a voluntary basis (see Policy 2.1.3).

[24] *Government Code Section 65302.3.*
[25] *Public Utilities Code Section 21676(b).*

(3) Informal input from the *ALUC Secretary* may be sought prior to formal or voluntary submittal of a proposed *Action* to the *ALUC*.

(b) When reviewing a proposed *Land Use Action* requiring a formal consistency determination by the *ALUC Secretary* (see Paragraphs 2.1.1(d) and 2.3.3(a)(1)), the *ALUC Secretary* shall:

(1) Consult with the manager of the airport.

(2) Make its determinations in writing and describe the consistency analysis and the basis for the determination.

(3) Forward projects that are controversial or complex to the *ALUC* for a consistency determination.

(4) Provide to the *ALUC* a list of all projects reviewed and the determination made by the *ALUC Secretary*.

(c) *ALUC Secretary's Action* Choices*:* When reviewing a *Land Use Action* for consistency with the *ALUCP* as required by Paragraphs 2.1.1(d) and 2.3.3(a)(1), the *ALUC Secretary* has three choices of action:

(1) Find the project consistent with the *ALUCP*.

(2) Find the project consistent with the *ALUCP*, subject to compliance with such conditions as the *ALUC Secretary* may specify. Any such conditions should be limited in scope and described in a manner that allows compliance to be clearly assessed (e.g., the height of a structure).

(3) Find that the project may be inconsistent with the *ALUCP* or has certain compatibility complexities requiring review by the *ALUC*. The *ALUC Secretary* shall forward any such project to the *ALUC* for a consistency determination.

(d) Appeal of *ALUC Secretary's Action:* The affected *Local Agency*, project applicant, *Airport* owner, or other interested party may appeal to the *ALUC* a consistency determination made by the *ALUC Secretary* on a *Land Use Action* involving parcel-specific amendments reviewed in accordance with Policy 2.1.1(d). The *ALUC* shall then review the proposed *Land Use Action*, the *ALUC Secretary*'s determination, and information supporting the appeal and make a final determination regarding the proposed *Land Use Action*'s consistency with the *ALUCP*. Any appeal of the *ALUC Secretary*'s determination must be submitted within 10 days of the date when the determination was issued.

2.3.4. *Response Time:*

(a) Reviews by the *ALUC* shall be completed within 60 days from the date of referral.[26]

(b) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.1(d) shall be completed within 14 days of the date of referral.

(c) Reviews by the *ALUC Secretary* performed in accordance with Policy 2.1.3 shall be completed on a timeline negotiated with the *Local Agency*.

(d) Reviews of projects forwarded or appealed to the *ALUC* for a consistency determination shall be completed within 60 days of the date of the request or appeal.[27]

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

[27] For *Major Land Use Actions*, this 60-day limit is not a statutory requirement, but is set by the *ALUC* to be consistent with Policy 2.3.3 and *Public Utilities Code Section 21676(d)* regarding general plans, specific plans, zoning ordinances, and building regulations.

(e) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.3.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

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

(g) If the *ALUC* or *ALUC Secretary* fail to make a consistency determination within the above noted time period, the proposed *Action* shall be deemed consistent with the *ALUCP*.[28] Regardless of *ALUC* action or failure to act, the proposed *Action* must comply with other applicable local, state, and federal regulations and laws.

2.4. Review Process for Airport Actions

2.4.1. *Required Submittal Information for Airport Actions:* An airport master plan for an existing or new *Airport* or heliport or an airport expansion plan for an existing *Airport* referred to the *ALUC* for review shall contain sufficient information to enable the *ALUC* to adequately assess the noise, safety, airspace protection, and overflight impacts of *Airport* activity upon surrounding land uses.

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

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

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

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

- Airport property and avigation easement boundaries;
- Runways or helicopter takeoff and landing areas; and
- Runway or helipad protection zones.

(2) A revised map of the *Airspace Protection Surfaces* as defined by Federal Aviation Regulations Part 77 if the proposal would result in changes to these surfaces. The *Airspace Protection Surfaces* for Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5.

(3) Updated activity forecasts, including the number of operations by each type of aircraft proposed to use the facility, the percentage of day versus night operations, and the distribution of takeoffs and landings for each runway direction. The effects of the proposed development on the aircraft activity forecasts indicated in Chapters 4 and 5 of this *ALUCP* should be described.

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

(4) Aircraft or helicopter approach/departure flight routes. Proposed flight track locations and projected noise contours. Differences from the flight track data and noise contours presented in Chapters 4 and 5 of this *ALUCP* should be described.

(5) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed master plan or airport expansion plan.

(6) Identification and proposed mitigation of impacts on surrounding land uses to the extent that those impacts would be greater than indicated by the compatibility factors depicted in the airport exhibits presented in Chapters 4 and 5.

2.4.2. *ALUC Action Choices for Airport Actions:* When reviewing a proposed new or revised airport master plan or proposed airport expansion plans for Chowchilla Municipal Airport or Madera Municipal Airport, the *ALUC* has three action choices (see Policy 4.1.1 for policies pertaining to the substance of the *ALUC* review of plans for existing *Airports*):

(a) Find the proposed *Airport Action* consistent with the *ALUCP*.

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

(c) Find the proposed *Airport Action* inconsistent with the *ALUCP* as the *Airport* plan does not adequately address aeronautical impacts of *Airport* proposals on adjacent land uses (e.g., noise and safety hazards).

2.4.3. *ALUC Action Choices for Plans of New Airports or Heliports:* When reviewing proposals for new public use or private use airports or heliports, the *ALUC* has two action choices (see Policy 4.2.1 for policies pertaining to the substance of the *ALUC* review of plans for new *Airports*):

(a) Approve the proposal as being consistent with the specific review criteria listed in Section 4.2 and, if required, either adopt an *ALUCP* for that facility or establish the intent to do so at a later date. State law requires adoption of an *ALUCP* if the airport or heliport will be a public-use facility.[29]

(b) 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.

2.4.4. *Response Time:* The *ALUC* must respond to the referral of an airport master plan or expansion plan within 60 days from the date of referral.[30]

(a) The date of referral is deemed to be the date on which all applicable project information as specified in Policy 2.4.1 is received by the *ALUC Secretary* and the *ALUC Secretary* determines that the application for a consistency determination is complete (see Appendix E for a copy of the *ALUC* Referral Form).

(b) If the *ALUC* fails to make a determination within the specified period, the proposed *Airport Action* shall be deemed consistent with the *ALUCP*. [31]

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

(d) The *Airport* owner shall be notified of the *ALUC*'s action in writing.

[29] *Public Utilities Code Section 21675(a).*
[30] *Public Utilities Code Section 21676(d).*
[31] *Public Utilities Code Section 21676(d).*

2.5. ALUC Role For Local Agency Overrules

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

2.5.2. *Overruling of ALUC by Local Agency:* If a *Local Agency* wishes to proceed with a proposed *Land Use Action* or *Airport Action* that the *ALUC* has determined to be inconsistent with the *ALUCP*, or if the *Local Agency* wishes to ignore a condition for consistency, the *Local Agency* must *Overrule* the *ALUC* determination in accordance with the provisions of state law.[32] See Chapter 1 for the steps that a *Local Agency* must take to overrule the *ALUC*.

2.5.3. *ALUC Comments on Proposed Overruling:* The *ALUC* may provide comments on the proposed overruling decision. The *ALUC* delegates to the *ALUC Secretary* the authority to provide comments.

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

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CHAPTER 3

Compatibility Policies and Maps

3

Compatibility Policies and Maps

3. COMPATIBILITY CRITERIA FOR LAND USE ACTIONS

3.1. Criteria for Review of General Plans, Specific Plans, Zoning Ordinances, Building Regulations and Facility Master Plans

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 *ALUC*.[33] Zoning ordinances, building regulations and facility master plans must also be consistent with the *ALUCP*. In order for these *Land Use Actions* to be considered consistent with this *ALUCP*, the requirements established in Policies 3.1.2 through 3.1.4 must be accomplished.[34]

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

(a) Direct conflicts primarily involve general plan land use designations that do not meet the *Density* or *Intensity* criteria specified in **Table 3A**, *Basic Compatibility Criteria*. In addition, conflicts with regard to other compatibility policies (i.e., Policies 3.3 through 3.7)—height limitations in particular—may also 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*.[35]

(c) Proposed *Redevelopment* or other changes to *Existing Land Uses* are not exempt from compliance with this *ALUCP*. To ensure that *Existing Nonconforming Uses* do not become more nonconforming, general plans or implementing documents must include policies

[33] *Government Code Section 65302.3* states that a county's or city's general plan, and any applicable specific plans, "shall be consistent" with an ALUCP and "shall be amended, as necessary" to be consistent with any amendment of the *ALUCP*.
[34] See Chapter 1 and Appendix C for additional guidance.
[35] This exemption derives from state law, which proscribes *ALUC* authority over *Existing Land Uses*.

setting limitations on expansion and *Reconstruction* of *Nonconforming Uses* located within an *Airport Influence Area* consistent with Policies 3.7.2 and 3.7.3.

(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 approved by the *ALUC* (see Policy 3.4.5).

3.1.3. *Establishment of Review Process: Local Agencies* must define the process they will follow when reviewing individual land use development proposals 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 *ALUC* 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 *ALUC*); and/or

(3) The general plan must indicate that the *Land Use Actions* specified in Section 2.1 shall be submitted to the *ALUC* for review in accordance with the policies of Section 1.4.

3.1.4. *Land Use Conversion:* The compatibility of uses in the *Airport Influence 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 Zones C2* and *D*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) that would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

3.2. Criteria for Review of Proposed Land Uses

3.2.1. *Evaluating Compatibility of Proposed Land Uses:* The compatibility of proposed land uses within the *Airport Influence Area* shall be evaluated in accordance with:

(a) The general policies set forth in Sections 3.3 through 3.7 of this Chapter addressing noise, safety, airspace protection, overflight impacts and special circumstances.

(b) The basic compatibility criteria listed in **Table 3A**, *Basic Compatibility Criteria*.

(c) The compatibility zones depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* and described in **Table 3B**, *Compatibility Zone Delineation.*

(d) The Federal Aviation Regulations Part 77 airspace surfaces depicted in **Exhibit 4E** and **Exhibit 5E**, in Chapters 4 and 5.

3.2.2. *Compatibility Criteria Table:* **Table 3A**, *Basic Compatibility Criteria* lists general land use categories and indicates each use as being either "normally compatible," "conditional," or "incompatible" depending upon the *Compatibility Zone* 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, Density*, 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 3.3 through 3.6 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 3.7.5).

(b) Land uses not specifically listed in **Table 3A**, *Basic Compatibility Criteria* shall be evaluated using the criteria for similar listed uses.

(c) Multiple land use categories and the compatibility criteria associated with them may apply to a project.

(d) Mixed-use developments shall individually comply with the criteria in **Table 3A**, *Basic Compatibility Criteria*. Mixed-use developments shall be evaluated in accordance with Policies 3.3.4 and 3.4.7.

(e) For details regarding usage *Intensity* and open land criteria indicated in **Table 3A**, *Basic Compatibility Criteria,* see the safety compatibility criteria in Section 3.4.

3.2.3. *Compatibility Policy Map:* The *Compatibility Zones* depicted in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* takes into account all four compatibility concerns in a composite manner—noise, safety, airspace protection, and overflight.

(a) Chapters 4 and 5 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 proposed projects in a particular *Compatibility Zone*. It also can serve to suggest what types of modifications to the project might make the proposal acceptable given the project's degree of sensitivity

to a particular compatibility factor (for example, knowing that a *Noise-Sensitive Land Use* is in a high-noise area may indicate a need for sound attenuation in the structure, whereas a risk-sensitive land use in a high-risk area may need to be altered to reduce the number of people present).

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.

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 Chowchilla Municipal Airport and Madera Municipal Airport are presented in Chapters 4 and 5 and reflect the airport activity levels documented in the respective 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).
- 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. Noise Compatibility Policies

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 the *Airport* is 60 dB. Given that most of the *Airports' environs are* suburban in character, 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 Zones A and B1*.

(2) Except as allowed by right in accordance with Policy 1.5.4, the maximum allowable residential *Density* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(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 1.5.4 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 **Table 3A**, *Basic Compatibility Criteria*.

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

(3) Uses that are primarily indoor are acceptable if sound attenuation is provided in accordance with Policy 3.3.2 and as noted in **Table 3A**, *Basic Compatibility Criteria*.

3.3.2. *Maximum Acceptable Interior Noise Levels:* To minimize disruption of indoor activities by aircraft noise, new structures within *Compatibility Zones B1* and *B2* 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.[36]

(a) For the following noise-sensitive land uses, the aircraft-related interior noise level shall be no greater than *CNEL* 45 dB by ensuring a noise level reduction (NLR) of 20 dB in *Compatibility Zones B1* and *B2*.

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

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

(3) Adult schools, libraries, and museums.

[36] 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.

(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 1.1.21). Susceptibility to speech interference and sleep disturbance are among the factors that make certain land uses noise sensitive. The compatibility evaluations in **Table 3A**, *Basic Compatibility Criteria* take into account single-event noise concerns.

(a) The *Local Agency* 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 the *Airports* are provided in Chapters 4 and 5.

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 3.4.7 for applicable safety criteria.

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 *ALUC* policy.

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 3.5.

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 shapes and sizes of the *Compatibility Zones*.
- The locations, delineated with respect to the *Airport* runway, where aircraft accidents typically occur near *Airports* and the relative concentration of accidents within these locations. The most stringent land use controls are applied to the areas with the greatest potential accident exposure. The risk information utilized is the general aviation accident data and analyses contained in the *California Airport Land Use Planning Handbook*. The *Handbook* guidance regarding safety compatibility forms the basis for the safety component of the composite *Compatibility Zones* established for the *Airport* and the maximum usage intensities (people per acre) criteria indicated in Policy 3.4.2 and in **Table 3A**, *Basic Compatibility Criteria*.
- *Handbook* guidance regarding residential densities in rural and suburban areas. Residential *Density* limitations cannot be equated to the usage *Intensity* limitations for nonresidential uses. Consistent with pervasive societal views and as suggested by the *Handbook* guidelines, a greater degree of protection is warranted for residential uses.
- The presence of 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 an aircraft in distress can attempt an emergency landing.
- The extent to which the occupied parts of a project site are concentrated in a small area. Concentrated high intensities heighten the risk to occupants if an aircraft should strike the location where the development is concentrated. To guard against this risk, limitations on the maximum concentrations of dwellings or people in a small area (i.e., 1.0-acre area) of a large project site are appropriate.

3.4. Safety Compatibility Policies

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 **Table 3A**, *Basic Compatibility Criteria.*

(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 gross 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.

(d) Within *Compatibility Zones B1*, *B2* or *C1*, dwellings shall be located outside of the zones where feasible or locate the dwelling a maximum distance from the extended runway centerline.

(e) See Policy 3.4.7 with regard to calculating the *Density* of mixed-use development.

(f) *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.*

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

(h) Secondary units, as defined by state law and local regulations, shall be excluded from *Density* calculations.

(i) In accordance with state law, 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.*

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 **Table 3A**, *Basic Compatibility Criteria* 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 3.4.8).

(b) The maximum allowable nonresidential *Intensity* within each *Compatibility Zone* shall be as indicated in **Table 3A**, *Basic Compatibility Criteria.*

(c) All nonresidential uses must comply with both the "sitewide average" and "single-acre" usage *Intensity* limits indicated for each *Compatibility Zone.*

(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 gross acreage of the project site) which may include multiple parcels.

(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.

(d) Determination of compliance with the sitewide average *Intensity* criteria requires calculating the total occupancy of the site at any given time under normal busy use (see Policy 3.4.2(e)), then dividing by the total (gross) acreage of the project site.

(e) 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. For the purposes of these calculations, the total number of occupants during normal busiest periods shall be used. The usage intensity criteria of this *ALUCP* are based upon a normal busy-period occupancy (or "peak" usage), not on the highest attainable occupancy.[37]

(f) Each component use within a nonresidential development that has multiple types of uses shall comply with the usage *Intensity* criteria in **Table 3A**, *Basic Compatibility Criteria*.

(g) For *Intensity* criteria pertaining to mixed-use projects having both residential and nonresidential components, see Policy 3.4.7.

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

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

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

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

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

3.4.3. *Methodology for Calculation of Sitewide Average Intensity:* Various methods are available by which usage intensities may be calculated (additional guidance is found in Appendix B).

(a) Calculation Using Floor Area Ratio.[38] 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.

[37] 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).

[38] 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 each floor is counted.

- 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 (see **Exhibit 1** for example). 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 (see **Exhibit 1** for example).

Exhibit 1: Floor Area Ratio (FAR) Calculation

In this example, the typical Occupancy Load Factor for a Local Retail use and the maximum average intensity limit for Zone B2 provided in **Table 3A**, *Basic Compatibility Criteria* are used to calculate the allowable FAR for a "typical" local retail use. For atypical examples of a use, a project-specific Occupancy Load Factor may be used to calculate the allowable FAR for a particular project using the same mathematical equation provided below.

Mathematical Formula:

(Occupancy Load Factor x Average Intensity Criterion) ÷ 43,560 square feet per acre = **FAR**

Mathematical Example:

(**170** square feet per person x **100** people per acre) ÷ **43,560** square feet per acre = **FAR 0.39**

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200		
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.10* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met

(2) Application of Floor Area Ratio 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), each component use must be assigned a share of the overall project site. Typically, this share shall be assumed to be the same as the component

use's share of the total project floor area. Then, each component floor area ratio is compared with the maximum floor area ratio limit indicated for the land use category and *Compatibility Zone*.

(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 B.)

(d) Calculation Using Occupancy Load Factors: For most other uses, the typical Occupancy Load Factor indicated for the use shall be applied.[39] 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 an 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.

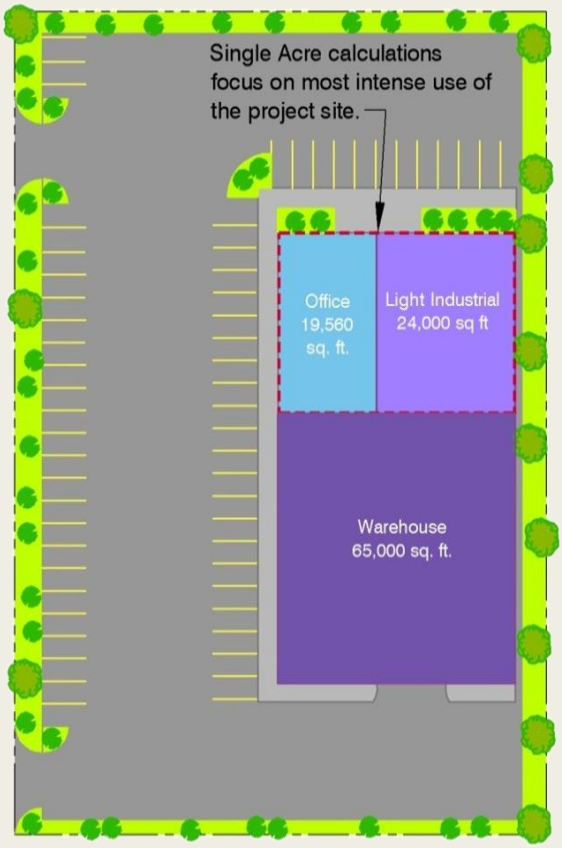
(2) If the project applicant can document a higher or lower Occupancy Load Factor for a particular use, then the *ALUC* or *Local Agency* may use that number in lieu of the number in **Table 3A**, *Basic Compatibility Criteria* table. In considering any such exceptions, the *ALUC* or *Local Agency* shall 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 B). 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*.

[39] 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: Occupancy Load Calculation Example

In this example, both the sitewide and single-acre *Intensity* of a proposed warehouse facility is calculated using the common Occupancy Load Factors (number of square feet per person) information in **Table 3A**, *Basic Compatibility Criteria* together with project specifications. The results are then compared with the maximum sitewide and single-acre *Intensity* limits in **Table 3A** to determine consistency of the project with the safety criteria.



Compatibility Zone B2 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
Light Industrial, Low Intensity: approx. 350 s.f. per person
Warehouse: approx. 1,000 s.f. per person

Project Specific Data

Site Acreage: 3 acres
Office: 19,560 s.f.
Light Industrial: 24,000 s.f.
Warehouse: 65,000 s.f.

Occupancy Load Calculation

Office: $\frac{19{,}560 \text{ s.f.}}{215 \text{ s.f. per person}} = 91$ people

L-industrial: $\frac{24{,}000 \text{ s.f.}}{350 \text{ s.f. per person}} = 69$ people

Warehouse: $\frac{65{,}000 \text{ s.f.}}{1{,}000 \text{ s.f. per person}} = 65$ people

Total: = 225 people

Intensity Results

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

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

$\frac{\text{Total people}}{\text{Site Acreage}} = \frac{225 \text{ people}}{3 \text{ acres}} = 75$ people per acre

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

$\frac{\text{Total people}}{\text{Single-Acre}} = \frac{91 + 69 \text{ people}}{1 \text{ acre}} = 160$ people per acre

3.4.4. *Methodology for Calculation of Single-Acre Intensity:* The single-acre *Intensity* of a proposed development 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 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 sites more than 1.0 acre and a building footprint less than 1.0 acre, the single-acre *Intensity* equals the total number of building occupants unless the project includes substantial outdoor occupancy in which case such usage should be taken into account.

(c) For sites 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 development with the usage *Intensity* criteria in Policy 3.4.2(b), the *ALUC* shall take into account the potential for the use of a building to change over time. A building could have planned low-intensity use initially, but later be converted to a higher-intensity use. *Local Agencies* must provide permit language or other mechanisms to ensure continued compliance with the usage *Intensity* criteria. (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 **Table 3A**, *Basic Compatibility Criteria*, 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: 50,000 s.f. / 170 s.f. per person = 294 people

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

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

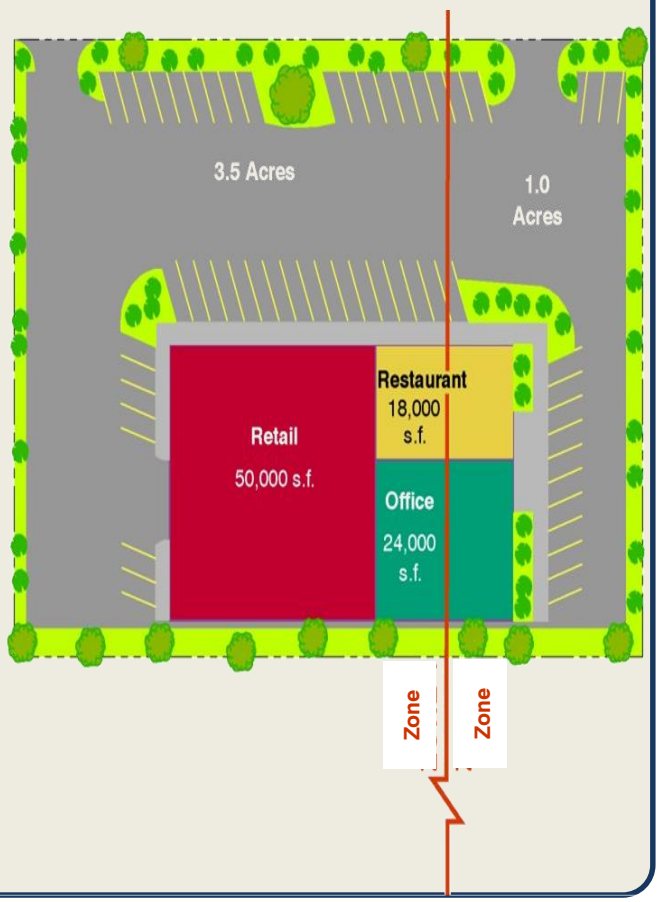
Total Occupancy = 500 people

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

* Would *exceed* Zone B2 sitewide average limit of 75 people/acre

Compatibility Zone C1

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



3.4.7. *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 **Table 3A**, *Basic Compatibility Criteria*. 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) Development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or nearby buildings on the same site must meet both residential *Density* and nonresidential *Intensity* criteria. The number of dwelling units shall not exceed the *Density* limits indicated in **Table 3A**, *Basic Compatibility Criteria*. 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 *ALUC* may make exceptions to this provision if the residential and nonresidential components of the development would clearly not be simultaneously occupied to their maximum intensities.

3.4.8. *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. In some cases, these uses are not allowed in portions of the airport environs regardless of the number of occupants associated with the use. In other instances, these uses should be avoided—that is, allowed only if an alternative site outside the zone would not serve the intended function. 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. See Policy 3.7.5(b) for a list of building design features that can be used to enhance the safety of occupants of a building.

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

(1) The primary uses in this category include, but are not limited to the following:

- Children's schools (grades K–12).
- Day care centers (facilities with more than 14 children, as defined in the California Health and Safety Code).
- In-patient hospitals, mental hospitals, nursing homes, and similar medical facilities where patients remain overnight.
- Congregate care facilities including retirement homes, assisted living, and intermediate care facilities.
- Penal institutions.

(2) 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 and use 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:

- In *Compatibility Zones B1* and *B2*, only the following is allowed: 1) On-*Airport* storage of aviation fuel and other aviation-related hazardous materials; 2) storage of nonaviation fuel or other hazardous materials in underground tanks (e.g., gas stations); and 3) storage of up to 6,000 gallons of nonaviation hazardous materials in aboveground tanks.
- In *Compatibility Zones C1* and *C2*, storage of smaller amounts of hazardous materials 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 of the above uses shall be allowed within *Compatibility Zone D*.
- All facilities must comply with the *Intensity* limits set forth in Policy 3.4.2(b) and other criteria noted in **Table 3A**, *Basic Compatibility Criteria*.

(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*. In *Compatibility Zone B2*, public safety facilities shall be allowed only if the facility serves or has an airport-related function. In *Compatibility Zone C1*, 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 Zones C2* and *D*.
- Communications facilities are incompatible in *Compatibility Zones A*, *B1*, and *B2*. In *Compatibility Zone C1*, 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) set forth in Section 3.5 of this *ALUCP*. Communication facilities shall be allowed within *Compatibility Zones C2* and *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 the zone would not serve the intended function of the facility.
- Peaker plants, renewable energy power plants, electrical substations and other utilities are incompatible in *Compatibility Zones A, B1, B2,* and *C1*. New sites or facilities or expansion of existing sites or facilities shall be allowed in *Compatibility Zones C2* and *D* 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 3.5 of this *ALUCP*.

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

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

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

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

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

(c) Open land requirements for each *Compatibility Zone* are 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. Designated open land areas must remain in perpetuity by way of an open space easement, deed restriction, or conditional use permit. Clustering of development should be located a maximum distance from the extended runway centerline. See **Table 3A**, *Basic Compatibility Criteria* for limitations on clustering development on any single acre.

(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.

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.

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.

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

3.5. Airspace Protection Compatibility Policies

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 **Exhibits 4E** and **5E**, in Chapters 4 and 5.

(a) The airspace protection / height limit surfaces depicted in **Exhibits 4E** and **5E**, in Chapters 4 and 5, are drawn in accordance with Federal Aviation Regulations Part 77, Subpart C, and reflect the runway length, runway end locations, and approach type for each end of the runway.

(b) The *Critical Airspace Protection Zone* consists of the Federal Aviation Regulations Part 77 primary surface and the area beneath portions of the approach and transitional surfaces to where these surfaces intersect with the horizontal surface.

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 Federal Aviation Regulations 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 3.5.4, the results of that study shall be taken into account by the *ALUC* or *Local Agency*.

(a) Except as provided in Paragraphs (b) and (c) of this policy, no object, including a mobile object such as a vehicle or temporary object such as a 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.[40]

(b) Objects not situated within a *Critical Airspace Protection Zone* (see Policy 3.5.1(b)) may be allowed to have heights that penetrate the *Airspace Protection Surfaces* defined by Federal Aviation Regulations Part 77 criteria under the following conditions:

(1) The maximum allowable height for these objects is 35 feet above ground level.[41]

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

(c) Unless exempted under Paragraph (b) of this policy, a proposed object having a height that exceeds any 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 *ALUC* 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*.

[40] 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.

[41] The ALUC assumes that future objects having heights of 35 feet or less will be shielded by other existing structures or vegetation of equal or greater height.

(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.[42]

(4) An *Avigation Easement* is dedicated to the *Local Agency* 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 Other Flight Hazards:* Land uses that may cause visual, electronic, or wildlife hazards, particularly bird strike hazards, to aircraft in flight or taking off or landing at the airport shall not be allowed within the *Airport Influence Area* unless the uses are consistent with FAA rules and regulations.

(a) Specific characteristics to be avoided include:

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

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

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

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

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

(6) Any proposed use that creates an increased attraction for wildlife and that is inconsistent with FAA rules and regulations.[43] Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds, which pose bird strike hazards to aircraft in flight.

(b) To resolve any uncertainties with regard to the significance of the above types of flight hazards, *Local Agencies* should consult with FAA officials, the California Division of Aeronautics, and Airport management.

3.5.4. *Requirements for FAA Notification of Proposed Construction:* Project proponents are responsible for notifying the FAA about proposed construction that may affect navigable airspace.[44] The following is *ALUCP* policy on this topic.

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

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

[44] Federal Aviation Regulations Part 77 requires that a project proponent submit notification of a proposal to the FAA where required by the provisions of Federal Aviation Regulations 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. FAA notification is required under the following circumstances:

(a) The project contains proposed structures or other objects that exceed the height standards defined in Federal Aviation Regulations Part 77, Subpart B. Objects shielded by nearby taller objects are exempted in accordance with Federal Aviation Regulations Part 77, Paragraph 77.15. Note that notification to the FAA under Federal Aviation Regulations 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 4 and 5, 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.

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

(b) The *Local Agency* having jurisdiction over the project site should inform the project proponent of the requirements for notification to the FAA and require a copy of the completed Federal Aviation Regulations 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)..

3.5.5. *ALUC Airspace Review:* The requirement for notification to the FAA shall not by itself trigger an airport compatibility review of an individual *Project* by the *ALUC*.

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.

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. Overflight Compatibility Policies

3.6.1. *Recorded Overflight Notification:* As a condition for *ALUC* or *Local Agency* approval of residential land use development within *Compatibility Zone 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 D 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."[45] *ALUCP* criteria with regard to *Airport Proximity Disclosure* is 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 the *ALUC* nor *Local Agencies* have authority to mandate that *Airport Proximity Disclosure* be provided and neither the *ALUC* 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 in **Maps CHO-3A** and **MAD-3A**, *Compatibility Policy Map* establishes the area in which *Airport Proximity Disclosure* is recommended.

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

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

(b) For proposed residential development:

(1) The disclosure provisions of state law are deemed mandatory for new residential development 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 D 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 development 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 jurisdiction 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 the *Airport Influence Area*:

(1) Within *Compatibility Zones A, B1, B2* or *C1*.

(2) Within the *Critical Airspace Protection Zone* which is contained entirely within the *Compatibility Zones* defined in subparagraph (1) of this Policy. See Policy 3.5.1(b) for definition of *Critical Airspace Protection Zone*.

(b) *Avigation Easement* dedication shall be required for any proposed development for which discretionary local 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 3.5 and **Maps CHO-3B** and **MAD-3B**, *Airspace Protection Surfaces Map*;

(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 D.

3.7.2. *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*.

(2) A *Nonconforming* single-family dwelling may be maintained, remodeled, reconstructed (see Policy 3.7.3), or expanded in size. The lot line of an existing single-family residential parcel may be adjusted. Also, a new single-family residence may be constructed on an existing lot in accordance with Policy 1.5.4 (Development by Right). However:

- Any remodeling, *Reconstruction*, or expansion must not increase the number of dwelling units. For example, a bedroom could be added to an existing residence, but an additional dwelling unit could not be built on the parcel unless that unit is a secondary dwelling unit as defined by state and local laws.
- Any increase in height must comply with the policies in Section 3.5 (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 3.7.3(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 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 3.7.3). 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 children's 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) The sound attenuation and *Avigation Easement* dedication requirements set by Policies 3.3.2 and 3.7.1 shall apply.

3.7.3. *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:[46]

(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

[46] *Reconstruction* differs from *Redevelopment* (see Policies 1.1.24 and 1.1.26 for definitions) that is subject to the provisions of this *ALUCP*.

time of the damage. Addition of a secondary dwelling unit to a single-family residence is permitted if in accordance with state law and local regulations.

(b) A 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 jurisdiction 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 Federal Aviation Regulations Part 77 requirements (see Section 3.5).

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

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

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

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

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

(1) Using concrete walls;

(2) Limiting the number and size of windows;

(3) Upgrading the strength of the building roof;

(4) Avoiding skylights;

(5) Enhancing the fire sprinkler system;

(6) Limiting buildings to a single story; and

(7) Increasing the number of emergency exits.

(c) In reaching a decision, the *Local Agency* 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, not with the *Local Agency*.

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

4. COMPATIBILITY CRITERIA FOR AIRPORT ACTIONS

4.1. Review Criteria for Airport Plans of Existing Airports

4.1.1. *Substance of Review:* In accordance with state law, any new or amended airport master plan or airport expansion plan is subject to *ALUC* review for consistency with this *ALUCP* (see Policy 2.1.4). In conducting any such review, the *ALUC* shall evaluate whether the airport plan would result in greater noise, safety, airspace protection, or overflight impacts than indicated in this *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 4 or 5; or (2) assume a higher proportion of larger or noisier aircraft.

4.1.2. *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 *ALUC* 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.

4.1.3. *Consistency Determination:* The *ALUC* shall determine whether the proposed airport master plan or airport expansion plan is consistent with this *ALUCP*. The *ALUC* shall base its determination of consistency on:

(a) Findings that the development and forecasts identified in the *Airport* plan would not result in greater noise, safety, airspace protection, or overflight impacts on surrounding land uses than are assumed in this *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 project proponent 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 1.1.10 for definition of aviation-related use).

4.2. Review Criteria for Proposed New Airports and Heliports

4.2.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the *ALUC* 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 *ALUC* review.

(b) The *ALUC* 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 *ALUC* must base its review on the proposed airfield design. The *ALUC* does not have the authority to require alterations to the airfield design.

4.2.2. *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.

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre)	0	60	100	100	300	no	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Max. Single-Acre Intensity (people/acre)	0	120	300	300	1200	limit	
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
General Characteristics							
Any use having more than 1 habitable floor [4]							B1, B2: Limited to no more than 2 habitable floors C1: Limited to no more than 3 habitable floors
Any use having structures (including poles or antennas) or trees 35 to 150 feet in height							B1, B2, C1: Ensure airspace obstruction does not occur B1, B2, Height Review Overlay Zone: Airspace review required for objects >35 feet C1: Airspace review required for objects >70 feet
Any use having structures (including poles, antennas, or cranes) or trees more than 150 feet in height							C2, D: Ensure airspace obstruction does not occur; airspace review required for objects >150 feet
Any use having the potential to cause an increase in the attraction of birds or other wildlife							C1, C2, D: Avoid use or provide mitigation consistent with FAA rules and regulations [5]
Any use creating visual or electronic hazards to flight [6]							
Outdoor Uses (no or limited indoor activities)							
Natural Land Areas: woods, brush lands, desert							A: Objects above runway elevation not allowed in OFA [7] A, B1, B2: Vegetation must be clear of airspace surfaces
Water: flood plains, wetlands, lakes, reservoirs, rivers, detention/retention ponds ✹							A: Objects above runway elevation not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Agriculture (except residences and livestock): field crops, orchards, vineyards, pasture, range land ✹							A: Not allowed in OFA [7] All: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Livestock Uses: feed lots, stockyards, breeding, fish hatcheries, horse/riding stables, poultry and dairy farms ✈✹							B1, B2, C1, C2, D: Avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]; exercise caution with uses involving noise-sensitive animals
Outdoor Major Assembly Facilities (capacity ≥1,000 people): spectator-oriented outdoor stadiums, amphitheaters, fairgrounds, race tracks, water parks, zoos ✈							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential

Table 3A

Basic Compatibility Criteria

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Outdoor Large Assembly Facilities (capacity 300 to 999 people): spectator-oriented outdoor stadiums, amphitheaters ✈							C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Group Recreation (limited spectator stands): athletic fields, water recreation facilities (community pools), picnic areas ✈							C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Outdoor Non-Group Recreation (small/low-intensity): golf courses (except clubhouse), tennis courts, shooting ranges ✈✹							B1, B2, C1: Ensure intensity criteria met; not allowed if intended primarily for use by children; exercise caution if clear audibility by users is essential
Local Parks: neighborhood parks, playgrounds ✈							B1, B2: Must have little or no permanent recreational facilities (ball fields, etc.); exercise caution if clear audibility by users is essential
Camping: campgrounds, recreational vehicle/ motor home parks ✈							C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Cemeteries (except chapels)							B1, B2, C1: Ensure intensity criteria met; avoid if disruption by aircraft noise unacceptable
Residential and Lodging Uses							
Single-Family residential: individual dwellings, townhouses, mobile homes, bed and breakfast inns ✈							B1, B2: 1 du/10 acres (average density); 4 du/single acre[8]; CNEL 45 dB max. interior noise level C1: 1 du/2 acres (average density); 4 du/single acre[8] B1: B2, C1: Locate dwelling outside zone where feasible or max. distance from extended runway centerline
Multi-Family Residential: townhouses, apartments condominiums ✈							
Long-Term Lodging (>30 nights): extended-stay hotels, dormitories ✈							
Short-Term Lodging (≤30 nights, except conference/assembly facilities): hotels, motels, other transient lodging [approx. 200 s.f./person]				0.46	1.38		C1, C2: Ensure intensity criteria met
Congregate Care: retirement homes, assisted living/residential care facilities, intermediate care facilities ✈							

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Educational and Institutional Uses							
Family day care homes (≤14 children) [9] ✈							B1, B2: CNEL 45 dB max. interior noise level
Children's Schools: K-12, day care centers (>14 children), libraries ✈							
Adult Education classroom space: adult schools, colleges, universities [approx. 40 s.f./person]			0.09	0.09	0.28		B2, C1, C2: Ensure intensity criteria met
Indoor Major Assembly Facilities (capacity ≥1,000 people): auditoriums, conference centers, resorts, concert halls, indoor arenas							D: Allowed only if alternative site outside zone would not serve intended function; exercise caution if clear audibility by users is essential
Indoor Large Assembly Facilities (capacity 300 to 999 people): movie theaters, places of worship, cemetery chapels, mortuaries [approx. 15 s.f./person]				0.03	0.10		C1, C2: Ensure intensity criteria met
Indoor Small Assembly Facilities (capacity <300 people): community libraries; art galleries; museums; exhibition space, community/senior centers, emergency/ homeless shelters ✈ [approx. 100 s.f./person]			0.23	0.23	0.69		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children; avoid outdoor spaces intended for noise-sensitive activities
Indoor Recreation: gymnasiums, club houses, athletic clubs, dance studios, sports complexes (indoor soccer), health clubs, spas [approx. 60 s.f./person]			0.14	0.14	0.41		B2, C1, C2: Ensure intensity criteria met; not allowed if intended primarily for use by children
In-Patient Medical: hospitals, mental hospitals, nursing homes ✈							
Out-Patient Medical: health care centers, clinics [approx. 240 s.f./person]			0.55	0.55	1.65		B2, C1, C2: Ensure intensity criteria met B2: CNEL 45 dB max. interior noise level
Penal Institutions: prisons, reformatories							
Public Safety Facilities: police, fire stations							B2: Allowed only if airport serving C1: Allowed only if site outside zone would not serve intended function; ensure intensity criteria met
Commercial, Office, and Service Uses							
Major Retail (capacity >300 people per building): regional shopping centers, 'big box' retail, supermarket [approx. 110 s.f./person]				0.25	0.76		C1, C2: Ensure intensity criteria met

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Local Retail (≤300 people per building): community/neighborhood shopping centers, grocery stores [approx. 170 s.f./person]			0.39	0.39			B2, C1: Ensure intensity criteria met
Eating/Drinking Establishments: restaurants, bars, fast-food dining [approx. 60 s.f./person]		0.08	0.14	0.14	0.41		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Limited Retail/Wholesale: furniture, automobiles, heavy equipment, building materials, hardware, lumber yards, nurseries [approx. 250 s.f./person]		0.34	0.57	0.57	1.72		B1, B2, C1, C2: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Offices: professional services, doctors, finance, banks, civic; radio, television and recording studios, office space associated with other listed uses [approx. 215 s.f./person]		0.30	0.49	0.49	1.48		B1, B2, C1: Ensure intensity criteria met B1: Locate structure max. distance from extended runway centerline where feasible
Personal and Miscellaneous Services: barbers, car washes, print shops [approx. 200 s.f./person]		0.28	0.46	0.46	1.38		B1, B2, C1, C2: Ensure intensity criteria met
Fueling Facilities: gas stations, trucking and other transportation fueling facilities							B1, B2, C1, C2: Ensure intensity criteria met B1, B2: Store fuel underground or in above-ground storage tanks with combined max. capacity of 6,000 gallons B1: Locate structure max. distance from extended runway centerline where feasible
Industrial, Manufacturing, and Storage Uses							
Hazardous Materials Production and Storage (flammable, explosive, corrosive, or toxic): oil refineries, chemical plants ✹							D: Allowed only if alternative site outside zone would not serve intended function; generation of steam or thermal plumes not allowed
Heavy Industrial ✹							C2, D: Bulk storage of hazardous materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft; generation of steam or thermal plumes not allowed
Light Industrial, High Intensity: food products preparation, electronic equipment, bottling plant [approx. 200 s.f./person]			0.46	0.46	1.38		B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Light Industrial, Low Intensity: machine shops, wood products, auto repair [approx. 350 s.f./person]		0.48	0.80	0.80			B1, B2, C1: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft
Research and Development Laboratories [approx. 300 s.f./person]		0.41	0.69	0.69	2.07		B1, B2, C1, C2: Ensure intensity criteria are met; bulk storage of hazardous (flammable, explosive, corrosive, or toxic) materials allowed only for on-site use; permitting agencies to evaluate possible need for special measures to minimize hazards if struck by aircraft B1: Locate structure max. distance from extended runway centerline where feasible
Indoor Storage: wholesale sales, distribution centers, warehouses, mini/other indoor storage, barns, greenhouses [approx. 1,000 s.f./person]		1.38	2.30				B1, B2: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Outdoor Storage: public works yards, automobile dismantling							B1: Ensure intensity criteria are met; ensure airspace obstruction does not occur
Mining and Extraction ✹							B1, B2, C1, C2: Generation of dust clouds, smoke, steam plumes not allowed; ensure airspace obstruction does not occur
Transportation, Communication, and Utilities							
Airport Terminals: airline, general aviation							
Transportation Stations: Rail/bus stations; taxi, trucking and other transportation terminals							B1, B2, C1: Ensure intensity criteria met; ensure airspace obstruction does not occur
Transportation Routes: road and rail transit lines, rights-of-way, bus stops							B1: Avoid road intersections if traffic congestion occurs; ensure airspace obstruction does not occur
Auto Parking: surface lots, structures							B1: Ensure airspace obstruction does not occur

Table 3A, continued

Intensity Criteria [1]	Compatibility Zones						Intensity Criteria Interpretation
	A	B1	B2	C1	C2	D	
Max. Sitewide Average Intensity (people/acre) **Max. Single-Acre Intensity (people/acre)**	0 0	60 120	100 300	100 300	300 1200	no limit	› All nonresidential development shall satisfy both sitewide and single-acre intensity limits
Open Land Requirement [2]	all remain'g	30%	25%	20%	15%	no req.	› See *Policy 3.4.9* for application
Land Use Category	**Legend** (see last page of table for interpretation)						**Additional Criteria**
› Multiple land use categories may apply to a project › Land uses not specifically listed shall be evaluated using the criteria for similar uses › Typical occupancy Load Factor [approx. # s.f./person] indicated for certain uses[3]	Normally Compatible		Conditional		Incompatible		› Conditions listed below apply to uses listed as "Conditional" (yellow) for a particular zone › Numbers in yellow cells are Floor Area Ratios (FARs) based on typical occupancy load factor indicated for that use and average intensity limit indicated for zone
Communications Facilities: broadcast and cell towers, emergency communications ✹							C1: Allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Power Plants: primary, peaker, renewable energy, bio-energy ✹							C2, D: Peaker and renewable energy plants allowed if structures located max. distance from extended runway centerline D: Primary plants allowed only if site outside zone would not serve intended public function; locate structures max. distance from extended runway centerline All: Ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Electrical Substations ✹							C1, C2: Locate structure max. distance from extended runway centerline; ensure all facilities and associated power lines meet airspace protection criteria (height, thermal plumes, glare, etc.)
Wastewater Facilities: treatment, disposal ✹							C1, C2: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Disposal Facilities: landfill, incineration ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]
Solid Waste Transfer Facilities, Recycle Centers ✹							D: Allowed only if site outside zone would not serve intended public function; avoid new features that attract birds or provide mitigation consistent with FAA regulations [5]

Table 3A, continued

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

Notes

✈ Indicates land use that is or may be highly noise sensitive. Exercise caution with regard to approval of outdoor uses—evaluate potential for aircraft noise to disrupt the activity. Indoor uses may require addition of sound attenuation to structure. See Section 3.1 for criteria.

✹ Indicates land use that may attract birds, generate dust, produce smoke or steam plumes, create electronic interference, or otherwise pose hazards to flight. See *Policy 3.5.3(a)* for criteria.

[1] Intensity criteria apply to all nonresidential uses including ones shown as "Normally Compatible" (green) and "Conditional" (yellow). 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 (see *Policy 3.4.2(e)*). Exceptions can be made for rare special events (e.g., an air show at the airport, street fair) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate (see *Policy 3.7.4)*. The usage intensities shall be calculated in accordance with the methodologies cited in Policy 3.4.3 and 3.4.4.

[2] Open land requirements are intended to be applied with respect to an entire zone (see *Policy 3.4.9)*. This is typically accomplished as part of a local general plan or specific plan, but may also apply to large (10 acres or more) development projects.

[3] Occupancy Load Factors [approx. number of square feet per person] cited for many listed land use categories are based on information from various sources and are intended to represent "typical busy-period" usage (or "peak" usage) for typical examples of the land use category. These Occupancy Load Factors differ from those provided in the California Building Code (CBC), as the CBC considers the absolute maximum number of people that can be safely accommodated in a building. See *Policy 3.4.3.*

[4] The intent of this criterion is to facilitate evacuation of a building if it were to be hit by an aircraft. It is separate from the height limits set for airspace protection purposes.

[5] No proposed use shall be allowed that would create an increased attraction for wildlife and that is inconsistent with FAA rules and regulations including, but not limited to, FAA Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports* and Advisory Circular 150/5200-34A, *Construction or Establishment of Landfills near Public Airports.* Of particular concern are landfills and certain recreational or agricultural uses that attract large flocks of birds which pose bird strike hazards to aircraft in flight. *See Policy 3.5.3(a)(6).*

[6] Specific characteristics to be avoided include: sources of glare (such as from mirrored or other highly reflective structures or building features) or bright lights (including search lights and laser light displays); distracting lights that could be mistaken for airport lights; sources of dust, steam, or smoke that may impair pilots' vision; sources of steam or other emissions that cause thermal plumes or other forms of unstable air; and sources of electrical interference with aircraft communications or navigation. *See Policy 3.5.3(a).*

[7] Object Free Area (OFA): Dimensions are established by FAA airport design standards for the runway. See *Airport* maps in Chapters 4 through 5.

[8] Clustering of residential development is permitted. However, no single acre of a project site shall exceed the indicated number of dwelling units per acre. See Policy 3.4.9(d).

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

Table 3A, continued

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Zone	Noise and Overflight Factors	Safety and Airspace Protection Factors
A *Runway Protection Zone*	*Noise Impact: Very High* › Mostly above CNEL 65 dB	*Risk Level: Very High* › Includes Runway Protection Zones › 20% of near-runway general aviation accidents occur in this zone › Aircraft altitude <200 feet above runway › Object heights restricted to <35 feet in some areas
B1 *Inner Approach/ Departure Zone*	*Noise Impact: High* › Typically above CNEL 60 dB › Single-event noise sufficient to disrupt wide range of land use activities including indoors if windows open	*Risk Level: High* › Encompasses areas overflown by aircraft at low altitudes—typically only 200 to 400 feet above runway › 22% of off-runway general aviation accidents near airports take place here › Object heights restricted to <35 feet in some areas
B2 *Sideline Zone*	*Noise Impact: Moderate to High* › Mostly above CNEL 60 dB › Exposed to loud single-event noise from take-offs	*Risk Level: Low to Moderate* › Area not normally overflown by aircraft; primary risk is with aircraft (especially twins) losing directional control on takeoff › About 5% of off-runway general aviation accidents near airports happen in this zone › Object heights restricted to <35 feet in some areas
C1 *Outer Approach/ Departure Zone*	*Noise Impact: Moderate* › Single-event noise from routine overflight sufficient to disrupt indoor and outdoor activities	*Risk Level: Moderate* › Includes areas where aircraft turn from base to final approach legs of standard traffic pattern and descend from traffic pattern altitude › Zone also includes areas where departing aircraft normally complete transition from takeoff power and flap settings to climb mode and have begun to turn to their en route heading › 4% of off-runway general aviation accidents near airports occur here › Object heights restricted to as little as 70 feet
C2 *Primary Traffic Pattern Zone*	*Noise Impact: Low to Moderate* › Primary traffic pattern east of Chowchilla Municipal Airport and west of Madera Municipal Airport; aircraft typically at or below 1,000-foot traffic pattern altitude; individual events occasionally loud enough to intrude upon indoor and outdoor activities	*Risk Level: Low to Moderate* › 18% of off-runway general aviation accidents near airports occur here, but the large area encompassed means a low likelihood of accident occurrence in any given location › Risk concern is primarily with uses for which potential consequences are severe (e.g. intensive uses and airspace hazards) › Airspace concern is generally with object heights >150 feet above runway elevation
D *Other Airport Environs*	*Noise Impact: Low* › Occasional overflights intrusive to some outdoor activities	*Risk Level: Low* › Risk concern only with uses for which potential consequences are severe (e.g. very-high-intensity activities in a confined area)

Table 3B

Compatibility Zone Delineation

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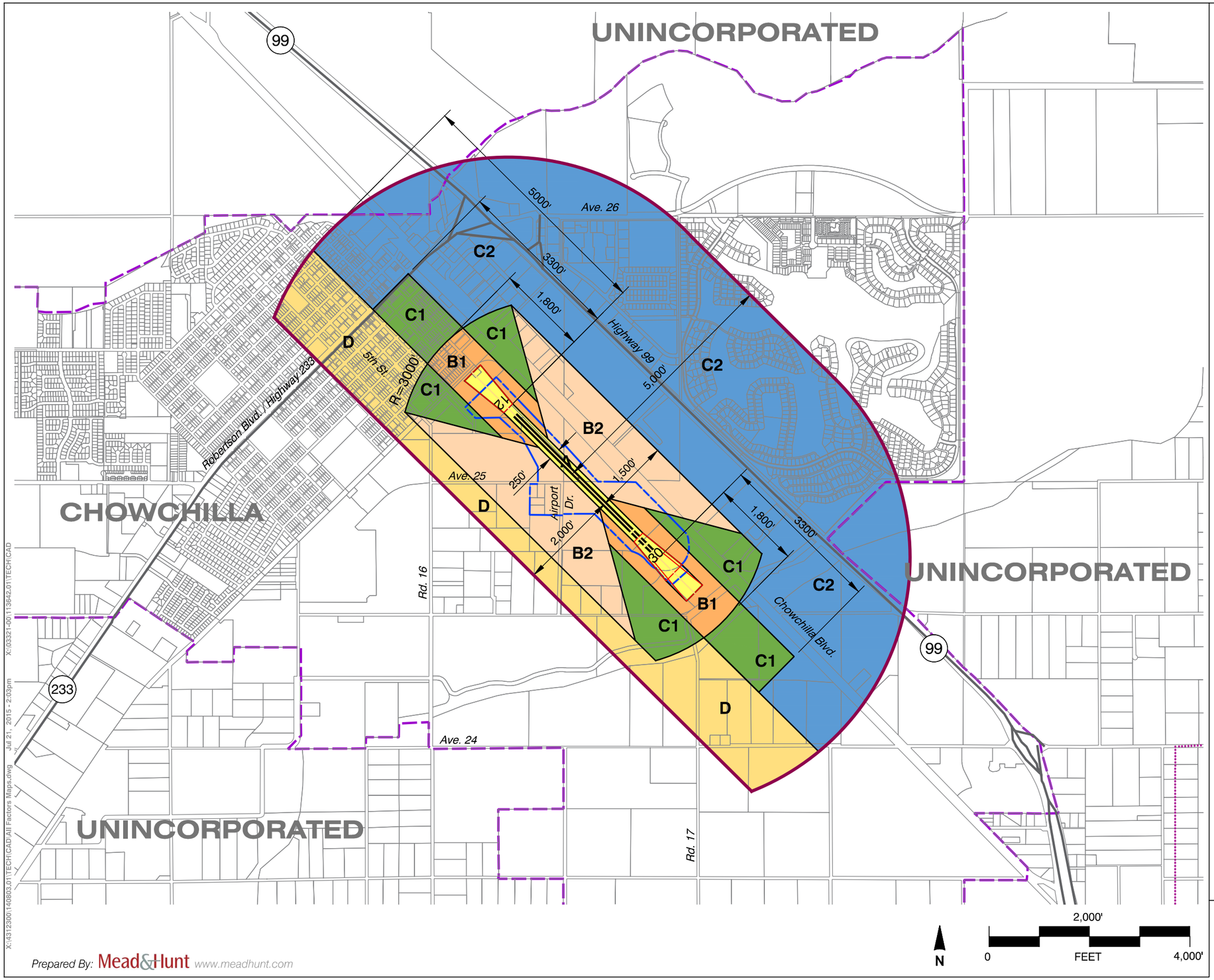

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Runway (existing 3,253')
- Runway (future 3,825')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft)[1]

A	Runway Protection Zone
B1	Inner Approach/Departure Zone
B2	Sideline Zone
C1	Outer Approach/Departure Zone
C2	Primary Traffic Pattern Zone
D	Other Airport Environs

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.

2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3A

Compatibility Policy Map

Chowchilla Municipal Airport
282

Prepared By: Mead&Hunt www.meadhunt.com

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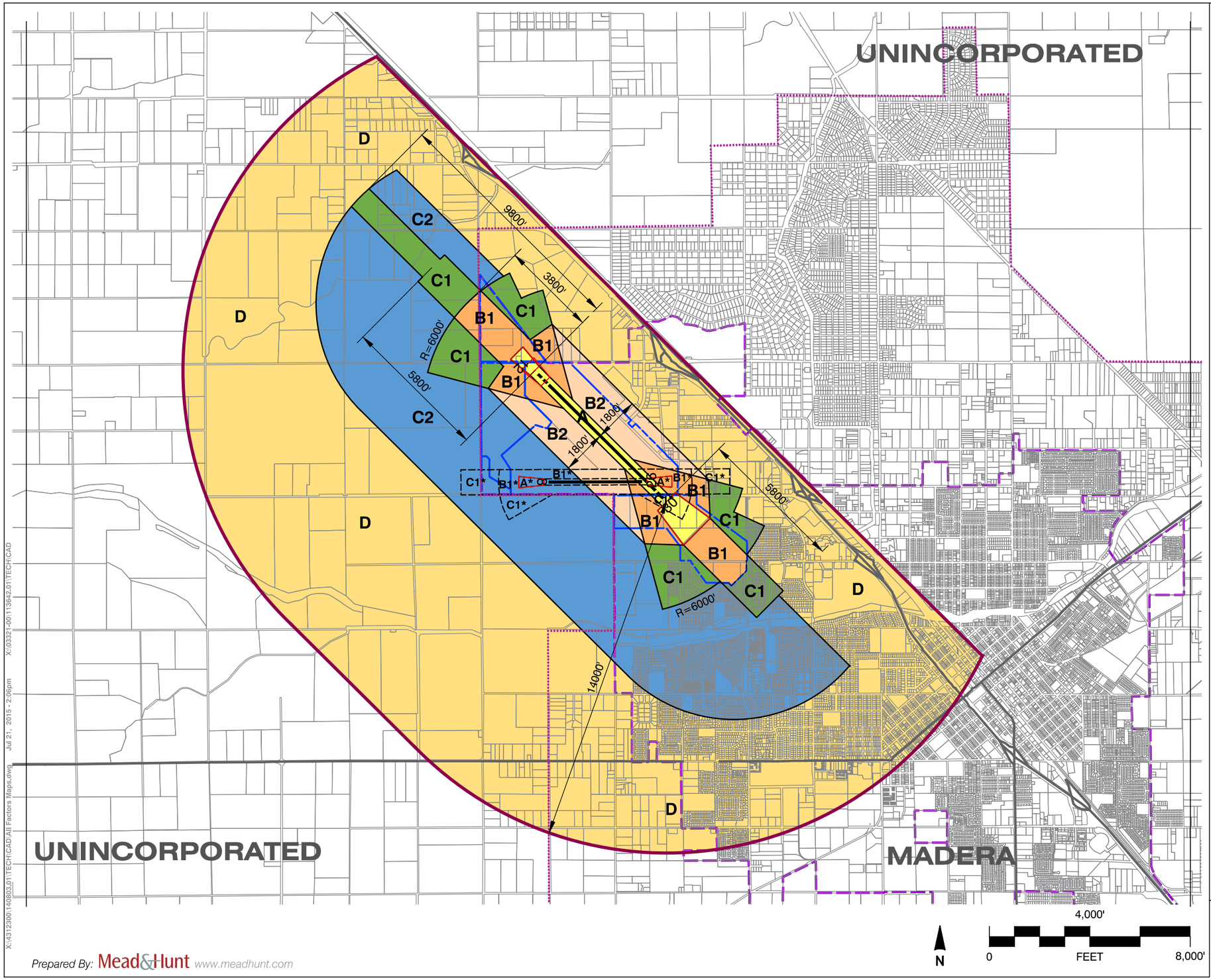

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')

Policy Boundaries

- Airport Influence Area (Draft)

Compatibility Zones (Draft) [1]

- A — Runway Protection Zone
- B1 — Inner Approach/Departure Zone
- B2 — Sideline Zone
- C1 — Outer Approach/Departure Zone
- C2 — Primary Traffic Pattern Zone
- D — Other Airport Environs
- Runway 8-26 Overlay Zones* (Compatibility zones are in effect until such time that Runway 8-26 is closed. The City anticipates to close Runway 8-26, which is restricted to agricultural use, once the FBO lease expires in 2019).

Notes

1. This ALUCP utilizes composite compatibility zones addressing four compatibility concerns: noise, safety, airspace protection, and overflight.
2. Longitudinal dimensions measure from end of primary surface, 200 feet from ends of runway.

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Map 3B

Compatibility Policy Map

Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

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CHAPTER 5

Background Data: Madera Municipal Airport and Environs

5

Background Data: Madera Municipal Airport and Environs

INTRODUCTION

This chapter documents information regarding Madera Municipal Airport and its environs to provide the setting upon which the *Airport Land Use Compatibility Plan* (*ALUCP*) for the airport is based. The physical configuration of the runway system and the volume and characteristics of aircraft operations are critical determinants of the impacts that aircraft activity has on surrounding land uses.

The character of current and planned land uses in the area surrounding the airport is also considered in the development of compatibility policies. It is important that any new development in the vicinity of the airport take place in a manner that is compatible with existing and projected aviation activity.

AIRPORT MASTER PLAN AND AIRPORT LAYOUT PLAN STATUS

The Madera Municipal Airport is situated in the northwest corner of the Madera city limits, west of State Route 99. The airport falls entirely within the city limits, and shares a border with the city limits to the north and south of the airport property 0.5 miles to the west. The airport is an 893-acre general aviation facility owned and operated by the City of Madera.

The most current Airport Master Plan was prepared in 1993. The most recent Airport Layout Plan (ALP) drawing was approved by the City of Madera and the Federal Aviation Administration (FAA) in 2011. The City is in the midst of updating the ALP. The draft 2014 ALP is pending FAA approval in mid to late 2015. Both ALPs depict existing airport facilities and future airport expansion. The principal differences between the proposed facility improvements reflected on the approved 2011 ALP and the draft 2014 ALP are summarized below.

- The 2011 ALP proposes an 850-foot southeasterly extension of Runway 12/30 for an ultimate runway length of 6,394 feet. The draft ALP shows an ultimate length of 7,000 feet with the 850-foot southeasterly extension as well as a 606-foot extension to the northwest.
- The draft 2014 ALP also shows future abandonment of Runway 8/26 when the agricultural aerial applicator lease expires in 2019. This runway closure is not reflected in the 2011 ALP.

- With the future closure of Runway 8/26, much of the hangar development west of Runway 12/30 is no longer reflected in the draft 2014 ALP.

The information contained on the 2014 draft ALP, together with supplemental information provided by airport personnel, form the foundation for this *ALUCP*. The draft 2014 ALP was accepted by the Caltrans Division of Aeronautics on _____, as the basis of this *ALUCP*.[1]

Airfield Configuration

The airport consists of a two runways in a V-shape configuration. The primary runway, Runway 12-30, is 5,544 feet in length and oriented in a northwest/southeast direction. The primary runway has an Airport Reference Code B-II designation and is designed to accommodate medium-sized jet aircraft (e.g., Cessna Citation VII). Runway 30 is served by a straight-in nonprecision instrument approach with visibility minimums of 1 mile or greater. The second runway, Runway 8-26, is approximately 3,700 feet in length and aligned in a west/east direction. Runway 8-26 is a visual runway and restricted to agricultural aircraft use only.

As indicated above, the draft 2014 ALP reflects several airfield improvements including a future 606-foot runway extension to the northwest and 850-foot extension to the southeast for a future runway length of 7,000 feet. A future straight-in nonprecision approach with visibility minimums of 1 mile is proposed for Runway 12 and visibility minimums of greater than 0.75 miles is proposed for Runway 30. The City also proposes to abandon Runway 8-26 when the agricultural aerial applicator lease expires in 2009. Lastly, a future heliport is proposed west of Runway 12-30.

Aircraft Activity and Forecasts

As no current Airport Master Plan exists, the most recent information detailing airport operations is the FAA's Terminal Area Forecast (TAF). The TAF contains a record of both existing and historical airport operations. The TAF reports 50,950 annual operations as having occurred in 2013, the most recent historical year. This number is the best available data for existing operations and is used in this *ALUCP* as the base year for current (2015) operations.

Given that no current Airport Master Plan is available, this *ALUCP* brings forward the forecast assumed in the 1993 *ALUCP* of 100,000 annual operations. This represents a doubling of existing operations within 20 years, which is a conservative assumption.

Although activity at the Madera Municipal Airport has been relatively flat in the past several years, the draft 2014 ALP shows significant expansion of aircraft storage facilities. The forecast presented here assumes that much of the proposed development will occur within the next 20 years.

Aircraft Traffic Patterns

Prevailing winds at the airport are from north to south which equates to a predominant northern traffic flow where aircraft arrive from the south and depart to the north on Runway 30. The primary traffic pattern for the airport is on the west side of the airfield; right traffic for Runway 12 and left traffic for Runway 30.

---

[1] *Public Utilities Code Section 21675(a)* specifies that *ALUCPs* must be based upon a long-range airport master plan or an airport layout plan with the acceptance of the Division of Aeronautics.

The draft 2014 ALP depicts a future helipad being constructed west of Runway 12-31. It is assumed that helicopter traffic to this future pad would also remain on the west side and utilize a north to south flow similar to the runway.

Traffic patterns used in the noise model include a western touch-and-go pattern, 45-degree downwind entries and departure, as well as straight-in and straight-out procedures from both runway ends.

SURROUNDING LAND USES

Madera Municipal Airport is located in the heart of the San Joaquin Valley, approximately 30 miles north of the City of Fresno. The City of Madera is located in southwestern Madera County and is a gateway to Yosemite National Park, which lies 115 miles to the northeast.

Existing development immediately surrounding the airport includes a mixture of agricultural, industrial, and recreational uses. The Madera Municipal Golf Course is located immediately west of the airport. West of the golf course and immediately north and south of the airport are agricultural uses. Immediately east of the airport is vacant land and industrial uses, including manufacturing, distribution facilities, and supply centers. Agricultural uses currently underlie the approaches to the primary runway (Runway 12-30). The southern end of the Madera Golf Course underlies the approach to Runway 8. The land immediately east of the approach end of Runway 26 is currently vacant with a mobile home park one-half mile east of the end of the runway.

The City of Madera 2009 General Plan designates future land uses within and around the Madera Municipal Airport. The City designates most of the land within the airport boundary as Other Public-Semi Public and designates the east side of the airport property as Industrial, Office, and Commercial. Immediately west of the airport, the City designates the Madera Municipal Golf Course as Open Space, as well as the land underlying the approaches to Runways 12 (northwest), Runway 30 (southeast), and Runway 8 (west). Resource Conservation/Agriculture is planned immediately east of the approach end of Runway 26. Within the City's sphere of influence, the City designates the land immediately west of the golf course and immediately north and south of the airport boundary as Village Reserve.

The Madera County General Plan designates the unincorporated areas south and west of the airport as Agriculture Exclusive and the unincorporated area to the north as Agriculture, Rural Residential, and Light Industrial.

EXHIBITS

The following exhibits illustrate the compatibility factors and background information which serve as the basis for this *ALUCP*.

Exhibit 5A: Airport Features Summary – Presents information pertaining to the airport configuration, operational characteristics, and applicable planning documents.

Exhibit 5B: Draft 2014 Airport Layout Plan – Depicts the existing and future airfield configuration and airport building areas. This drawing was accepted by Caltrans Division of Aeronautics as the basis of this *ALUCP* in _____.

Exhibit 5C: Airport Activity Data Summary – Presents existing (2015) aircraft activity data provided by the FAA Terminal Area Forecast, and future (2035) activity levels which have been brought forward from the 1993 *ALUCP* for purposes of this updated plan.

Exhibits 5D and 5E: Compatibility Factors – Depicts the extents of the four compatibility factors upon which the compatibility zones for Madera Municipal Airport were derived. The four compatibility factors are defined by:

- *Noise* – Future noise contours reflecting a forecasted aircraft activity level of 100,000 annual operations.
- *Overflight* – Primary traffic patterns reflecting where aircraft and helicopters operating at the airport routinely fly.
- *Safety* – Generic safety zones provided in the *California Airport Land Use Planning Handbook* (October 2011) are applied to the existing and future runway configurations.
- *Airspace Protection* – Outer boundary of the Obstruction Surfaces as defined by Federal Aviation Regulation (FAR) Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*.

Exhibit 5F: Airport Environs Information – Summarizes information about current and planned land uses in the environs of the Madera Municipal Airport. The status of local general plans and airport land use compatibility policies contained in the County of Madera's and City of Madera's general plans are also summarized.

Exhibit 5G: City of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

Exhibit 5H: County of Madera General Plan Land Uses – Shows planned land use designations as reflected in the adopted general plan land use diagram.

General Information

- *Airport Ownership:* City of Madera
- *Property Size*
  - Fee title: 892.71 acres
- *Airport Classification*: General Aviation
- *Airport Elevation*: 255 ft. MSL

Building Area

- *Location*
  - East side of airfield
- *Facilities*
  - Terminal
  - FBO, Box and T-Hangars
  - Tiedowns
- *Services*
  - Self-serve general aviation 100LL fuel available 24 hours per day; Jet-A fuel available via truck
  - Major airframe and powerplant services

Runway/Taxiway Design

Runway 12-30

- *Airport Reference Code*: B-II
- *Critical Aircraft*: Cessna Citation VII
- *Dimensions:* 5,544 ft. long, 150 ft. wide
- *Pavement Strength* (main landing gear configuration)
  - 26,000 lbs. (single-wheel)
  - 40,000 lbs. (dual-wheel)
- *Effective Gradient*: 0.09% (rising to southeast)
- *Runway Lighting:* Medium-intensity runway edge lighting
- *Runway Markings:* Nonprecision
- *Primary Taxiways*: Full-length parallel taxiway on east

Runway 8-26

- *Airport Reference Code*: Restricted Agricultural Use
- *Critical Aircraft*: AT 402
- *Dimensions:* 3,702 ft. long, 150 ft. wide
- *Pavement Strength* (main landing gear configuration)
  - 26,000 lbs. (single-wheel)
  - 40,000 lbs. (dual-wheel)
- *Effective Gradient*: 0.25% (rising to east)
- *Runway Lighting:* None
- *Runway Markings:* Restricted
- *Primary Taxiways*: None; direct access from agricultural FBO south of runway

Approach Protection

- *Runway Protection Zones (RPZs)*
  - Runway 12: 500 ft. inner width, 700 ft. outer width, 1,000 ft. long; entirely on airport
  - Runway 30: 1,000 ft. inner width, 1,510 ft. outer width, 1,700 ft. long; entirely on airport
  - Runway 8 & 26: 250 ft. inner width, 450 ft. outer width, 1,000 ft. long; entirely on airport
- *Approach Obstacles:* None

Airport Planning Documents

- *Airport Master Plan*
  - Adopted in 1993 by City Council
- *Airport Layout Plan*
  - Approved by FAA in 2011
  - Draft 2014 ALP pending FAA approval and acceptance by Caltrans Division of Aeronautics as basis of this ALUCP

Traffic Patterns and Approach Procedures

- *Airplane Traffic Patterns*
  - Primary pattern: West of airfield
  - Primary direction: Southeast to northwest (Runway 12/30) and east to west (Runway 8/26)
  - Pattern Altitude: 1,000 ft. AGL
- *FAR Part 77 Category*
  - Runway 12-30: Nonprecision, 34:1 slope [C(NP)]
  - Runway 8-26: Visual, 20:1 slope [B(V)]
- *Instrument Approaches*
  - Runway 12 GPS: Straight-in nonprecision approach (1 mile visibility; 250 ft. AGL minimum descent height); circling (1 mile visibility, 545 ft. AGL minimum descent height)
  - Runway 30 GPS: Straight-in nonprecision approach (1 mile visibility; 250 ft. AGL minimum descent height); circling (1 mile visibility, 545 ft. AGL minimum descent height); VOR also provided with higher minimums
- *Visual Navigational Aids*
  - Airport: Lighted beacon
  - Runway 12: PAPI, REIL
  - Runway 30: PAPI, MALSF
- *Other*
  - Ultralight and parachute jumping on and in vicinity of airport

Proposed Facility Improvements

- *Airfield*
  - Runway 12-30 extension of 606 ft. to northwest and 849 ft. to southeast for ultimate length of 7,000 ft.
  - Nonprecision approach with visibility minimums of 1 mile to Runway 12 and >0.75 miles to Runway 30
  - Runway Protection Zones (RPZs) for Runway 12-30 increase to 1,000 ft. inner width, 1,510 ft. outer width; 1,700 ft. length; RPZs remain entirely on airport
  - Abandon Runway 8-26 when agricultural aerial applicator lease expires in 2009
  - Future heliport west of Runway 12-30
- *Building Area*
  - Construct additional hangars south of existing apron area

Sources: Airport Layout Plan (2011); FAA Airport Master Record (2014); Airport Layout Plan (Draft October 2014)
Data compiled by Mead & Hunt, Inc. January 2015

Exhibit 5A

Airport Features Summary

Madera Municipal Airport

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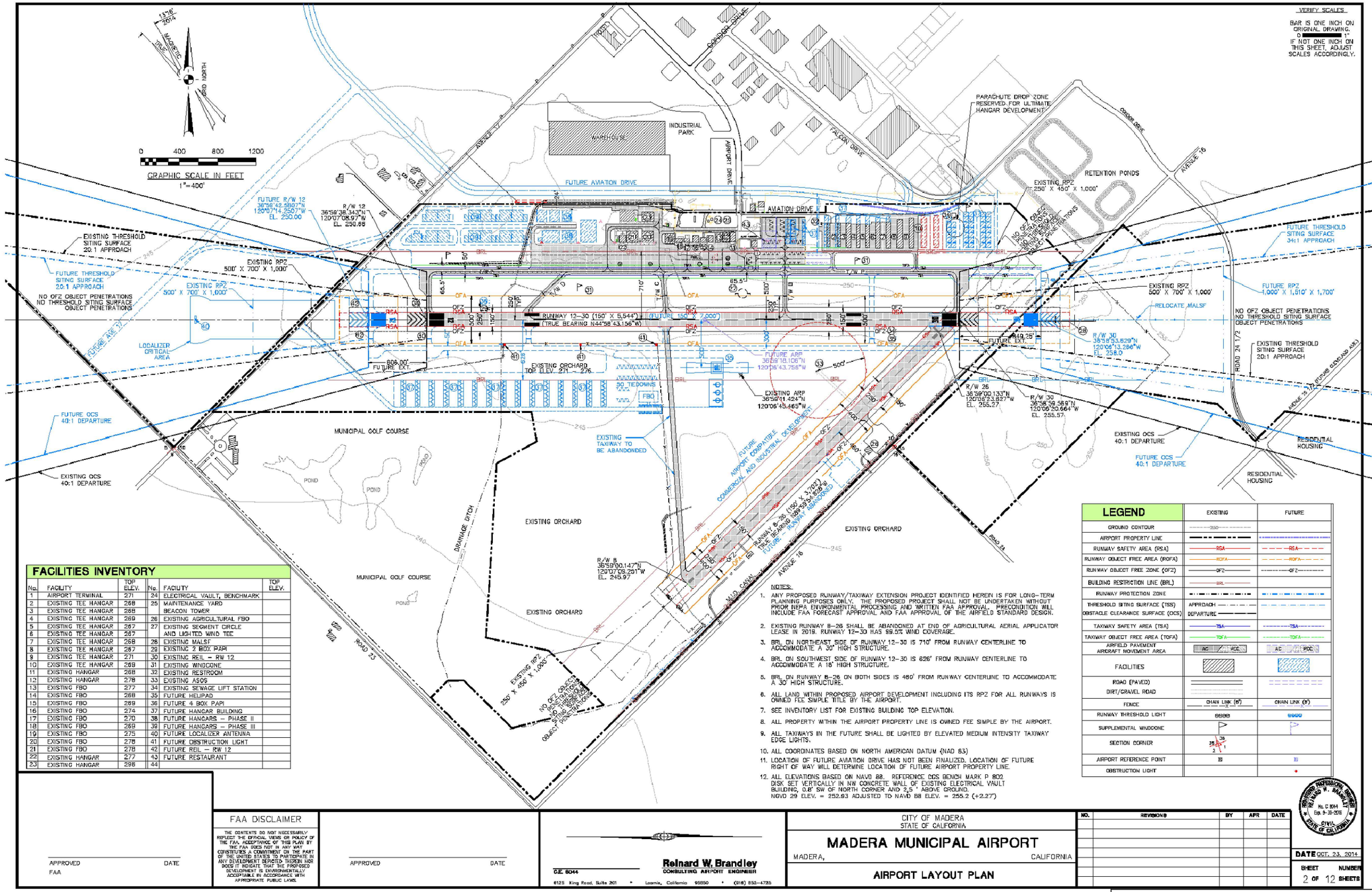

FACILITIES INVENTORY

No.	FACILITY	TOP ELEV.	No.	FACILITY	TOP ELEV.
1	AIRPORT TERMINAL	271	24	ELECTRICAL VAULT, BENCHMARK	
2	EXISTING TEE HANGAR	268	25	MAINTENANCE YARD	
3	EXISTING TEE HANGAR	268		BEACON TOWER	
4	EXISTING TEE HANGAR	269	26	EXISTING AGRICULTURAL FBO	
5	EXISTING TEE HANGAR	267	27	EXISTING SEGMENT CIRCLE AND LIGHTED WIND TEE	
6	EXISTING TEE HANGAR	267			
7	EXISTING TEE HANGAR	268	28	EXISTING MALSF	
8	EXISTING TEE HANGAR	267	29	EXISTING 2 BOX PAPI	
9	EXISTING TEE HANGAR	271	30	EXISTING REIL – RW 12	
10	EXISTING TEE HANGAR	269	31	EXISTING WINDCONE	
11	EXISTING HANGAR	268	32	EXISTING RESTROOM	
12	EXISTING HANGAR	278	33	EXISTING ASOS	
13	EXISTING FBO	272	34	EXISTING SEWAGE LIFT STATION	
14	EXISTING FBO	268	35	FUTURE HELIPAD	
15	EXISTING FBO	269	36	FUTURE 4 BOX PAPI	
16	EXISTING FBO	274	37	FUTURE HANGAR BUILDING	
17	EXISTING FBO	270	38	FUTURE HANGARS – PHASE II	
18	EXISTING FBO	269	39	FUTURE HANGARS – PHASE III	
19	EXISTING FBO	275	40	FUTURE LOCALIZER ANTENNA	
20	EXISTING FBO	278	41	FUTURE OBSTRUCTION LIGHT	
21	EXISTING FBO	278	42	FUTURE REIL – RW 12	
22	EXISTING HANGAR	277	43	FUTURE RESTAURANT	
23	EXISTING HANGAR	296	44		

NOTES:
1. ANY PROPOSED RUNWAY/TAXIWAY EXTENSION PROJECT IDENTIFIED HEREIN IS FOR LONG-TERM PLANNING PURPOSES ONLY. THE PROPOSED PROJECT SHALL NOT BE UNDERTAKEN WITHOUT PRIOR NEPA ENVIRONMENTAL PROCESSING AND WRITTEN FAA APPROVAL. PRECONDITION WILL INCLUDE FAA FORECAST APPROVAL AND FAA APPROVAL OF THE AIRFIELD STANDARD DESIGN.
2. EXISTING RUNWAY 8-26 SHALL BE ABANDONED AT END OF AGRICULTURAL AERIAL APPLICATOR LEASE IN 2019. RUNWAY 12-30 HAS 95.0% WIND COVERAGE.
3. BRL ON NORTHEAST SIDE OF RUNWAY 12-30 IS 710' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 30' HIGH STRUCTURE.
4. BRL ON SOUTHWEST SIDE OF RUNWAY 12-30 IS 626' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 15' HIGH STRUCTURE.
5. BRL ON RUNWAY 8-26 ON BOTH SIDES IS 460' FROM RUNWAY CENTERLINE TO ACCOMMODATE A 30' HIGH STRUCTURE.
6. ALL LAND WITHIN PROPOSED AIRPORT DEVELOPMENT INCLUDING ITS RPZ FOR ALL RUNWAYS IS OWNED FEE SIMPLE TITLE BY THE AIRPORT.
7. SEE INVENTORY LIST FOR EXISTING BUILDING TOP ELEVATION.
8. ALL PROPERTY WITHIN THE AIRPORT PROPERTY LINE IS OWNED FEE SIMPLE BY THE AIRPORT.
9. ALL TAXIWAYS IN THE FUTURE SHALL BE LIGHTED BY ELEVATED MEDIUM INTENSITY TAXIWAY EDGE LIGHTS.
10. ALL COORDINATES BASED ON NORTH AMERICAN DATUM (NAD 83)
11. LOCATION OF FUTURE AVIATION DRIVE HAS NOT BEEN FINALIZED. LOCATION OF FUTURE RIGHT OF WAY WILL DETERMINE LOCATION OF FUTURE AIRPORT PROPERTY LINE.
12. ALL ELEVATIONS BASED ON NAVD 88. REFERENCE CGS BENCH MARK P 802 DISK SET VERTICALLY IN NW CONCRETE WALL OF EXISTING ELECTRICAL VAULT BUILDING, 0.8' SW OF NORTH CORNER AND 2.5 ' ABOVE GROUND. NGVD 29 ELEV. = 252.83 ADJUSTED TO NAVD 88 ELEV. = 255.2 (+2.27')

LEGEND	EXISTING	FUTURE
GROUND CONTOUR	250	
AIRPORT PROPERTY LINE		
RUNWAY SAFETY AREA (RSA)	RSA	RSA
RUNWAY OBJECT FREE AREA (ROFA)	ROFA	ROFA
RUNWAY OBJECT FREE ZONE (OFZ)	OFZ	OFZ
BUILDING RESTRICTION LINE (BRL)	BRL	
RUNWAY PROTECTION ZONE		
THRESHOLD SITING SURFACE (TSS) / OBSTACLE CLEARANCE SURFACE (OCS)	APPROACH / DEPARTURE	
TAXIWAY SAFETY AREA (TSA)	TSA	TSA
TAXIWAY OBJECT FREE AREA (TOFA)	TOFA	TOFA
AIRFIELD PAVEMENT / AIRCRAFT MOVEMENT AREA	AC / PCC	AC / PCC
FACILITIES		
ROAD (PAVED) / DIRT/GRAVEL ROAD		
FENCE	CHAIN LINK (6')	CHAIN LINK (6')
RUNWAY THRESHOLD LIGHT		
SUPPLEMENTAL WINDCONE		
SECTION CORNER		
AIRPORT REFERENCE POINT		
OBSTRUCTION LIGHT		

FAA DISCLAIMER

THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THIS PLAN BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED THEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.

APPROVED DATE
FAA

APPROVED DATE

C.E. 8044
Reinard W. Brandley
CONSULTING AIRPORT ENGINEER
6125 King Road, Suite 201 • Loomis, California 95650 • (916) 652-4725

CITY OF MADERA
STATE OF CALIFORNIA

MADERA MUNICIPAL AIRPORT
MADERA, CALIFORNIA

AIRPORT LAYOUT PLAN

NO.	REVISIONS	BY	APP	DATE

REGISTERED PROFESSIONAL ENGINEER REINARD W. BRANDLEY No. C 8044 Exp. 9-30-2016 CIVIL STATE OF CALIFORNIA

DATE OCT. 23, 2014
SHEET NUMBER 2 OF 12 SHEETS

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Source: Madera Municipal Airport Layout Plan (July 2015 Draft). Federal Aviation Administration approval pending Spring 2015.

Exhibit 5B

Airport Layout Plan
Madera Municipal Airport

Prepared By: Mead&Hunt www.meadhunt.com

BASED AIRCRAFT

	Current [a]	Future [b]
Aircraft Type		
Single-Engine	56	113
Multi-Engine	7	15
Business Jet	8	16
Helicopters	6	12
Other	9	18
Total	**87**	**174**

AIRCRAFT OPERATIONS [a]

	Current	Future [b]
Total		
Annual	50,950 [a]	100,000
Average Day	139	273
Distribution by Aircraft Type		
Single-Engine Fixed Prop	47%	50%
Single-Engine Variable Prop	36%	26%
Twin-Engine Piston	4%	7%
Twin-Engine Turboprop	4%	8%
Business Jet	3%	8%
Helicopter	<1%	1%
Distribution by Type of Operation [a]		
Local (incl. touch-and-goes)	50%	no
Itinerant	50%	change

TIME OF DAY DISTRIBUTION [b]

	Current	Future
All Aircraft		
Day (7 am to 7pm)	88%	no
Evening (7 pm to 10 pm)	8%	change
Night (10 pm to 7 am)	4%	

RUNWAY USE DISTRIBUTION [b]

	Current	Future
Single-Engine Aircraft		
Takeoffs		
Runway 12	14%	15%
Runway 30	84%	85%
Runway 7	1%	—
Runway 25	1%	—
Landings		
Runway 12	14%	15%
Runway 30	84%	85%
Runway 7	1%	—
Runway 25	1%	—
Twin-Engine Reciprocating		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Turboprops		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Jets		
Takeoffs		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Landings		
Runway 12	15%	no
Runway 30	85%	change
Runway 7	—	—
Runway 25	—	—
Helicopters		
Takeoffs and Landings		
Runway 12	15%	—
Runway 30	85%	—
Helipad – northerly flow	—	85%
Helipad – southerly flow	—	15%

NOTES:

Current represents 2015 and future is approximately 2035

[a] Source: FAA Terminal Area Forecast

[b] Source: Mead & Hunt based on information provided by airport personnel and in the 1993 Madera County ALUCP

Exhibit 5C

Airport Activity Data Summary

Madera Municipal Airport

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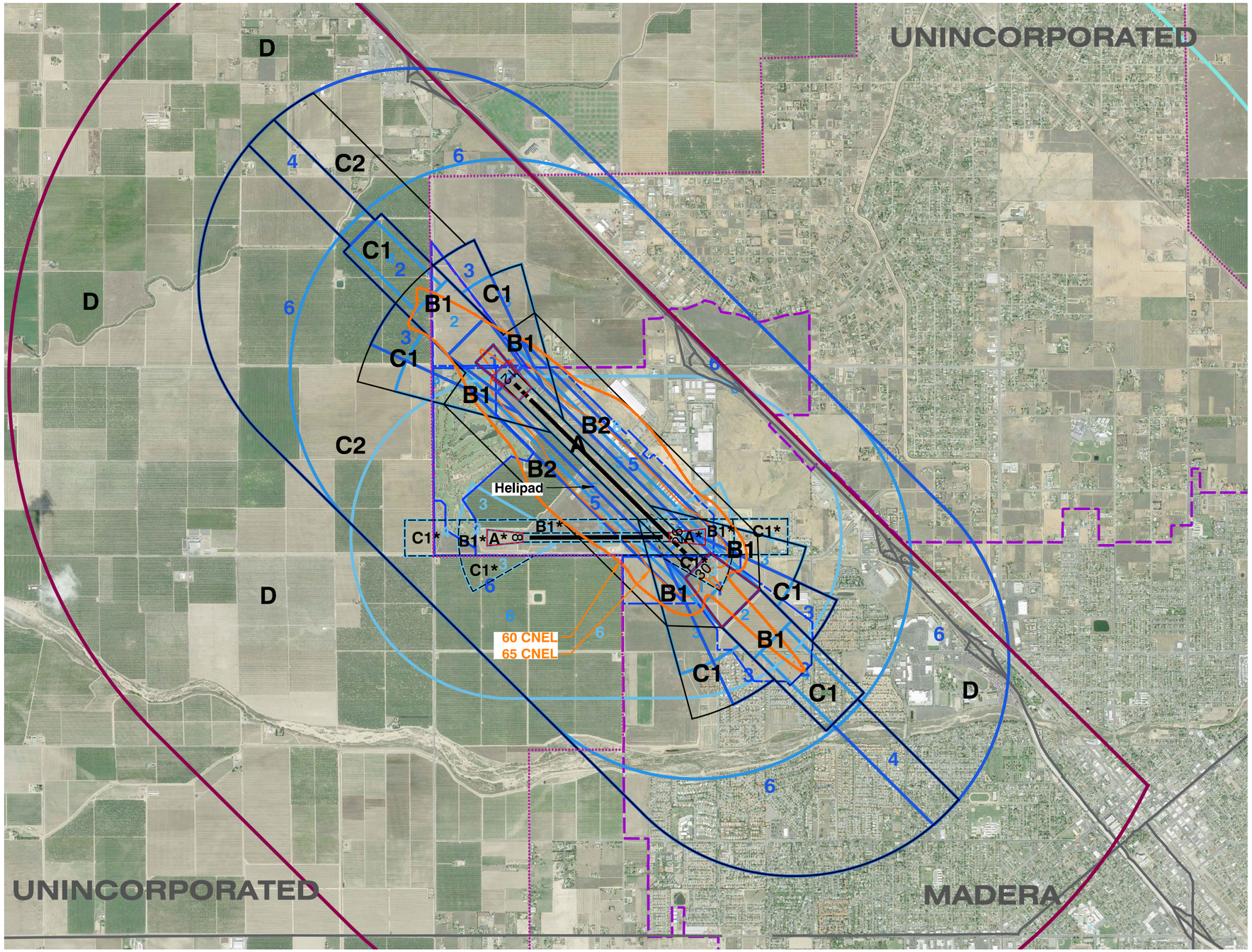

Legend

Boundary Lines

- Airport Property Line
- City Limits
- City Sphere of Influence
- Existing Runway 12-30 (5,545')
- Future Runway 12-30 (7,000')
- Existing Runway 8-26 (3,702')
- Airport Influence Area (Draft)
- Compatibility Zones (Draft)
  - **A** Runway Protection Zone
  - **B1** Inner Approach/Departure Zone
  - **B2** Sideline Zone
  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs
- Runway 8-26 Overlay Zones*

Noise Contours[1] (10,000' Annual Operations)

- 65 dB CNEL
- 60 dB CNEL

Generic Safety Zones[2]

- Short General Aviation Runway
- Medium General Aviation Runway
- Long General Aviation Runway
  - **1** Runway Protection Zone
  - **2** Inner Approach/Departure Zone
  - **3** Inner Turning Zone
  - **4** Outer Approach/Departure Zone
  - **5** Sideline Zone
  - **6** Traffic Pattern Zone

Runway Factors[3]

- Runway Protection Zone

Notes

1. Noise Contour Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).
2. Source: California Airport Land Use Planning Handbook (October 2011). Zone 1 Adjusted to match runway protection zone.
3. Source: Madera Municipal Airport Layout Plan (2014 Draft).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Exhibit 5D

Factors Map: Noise & Safety

Madera Municipal Airport
295

Prepared By: Mead&Hunt www.meadhunt.com

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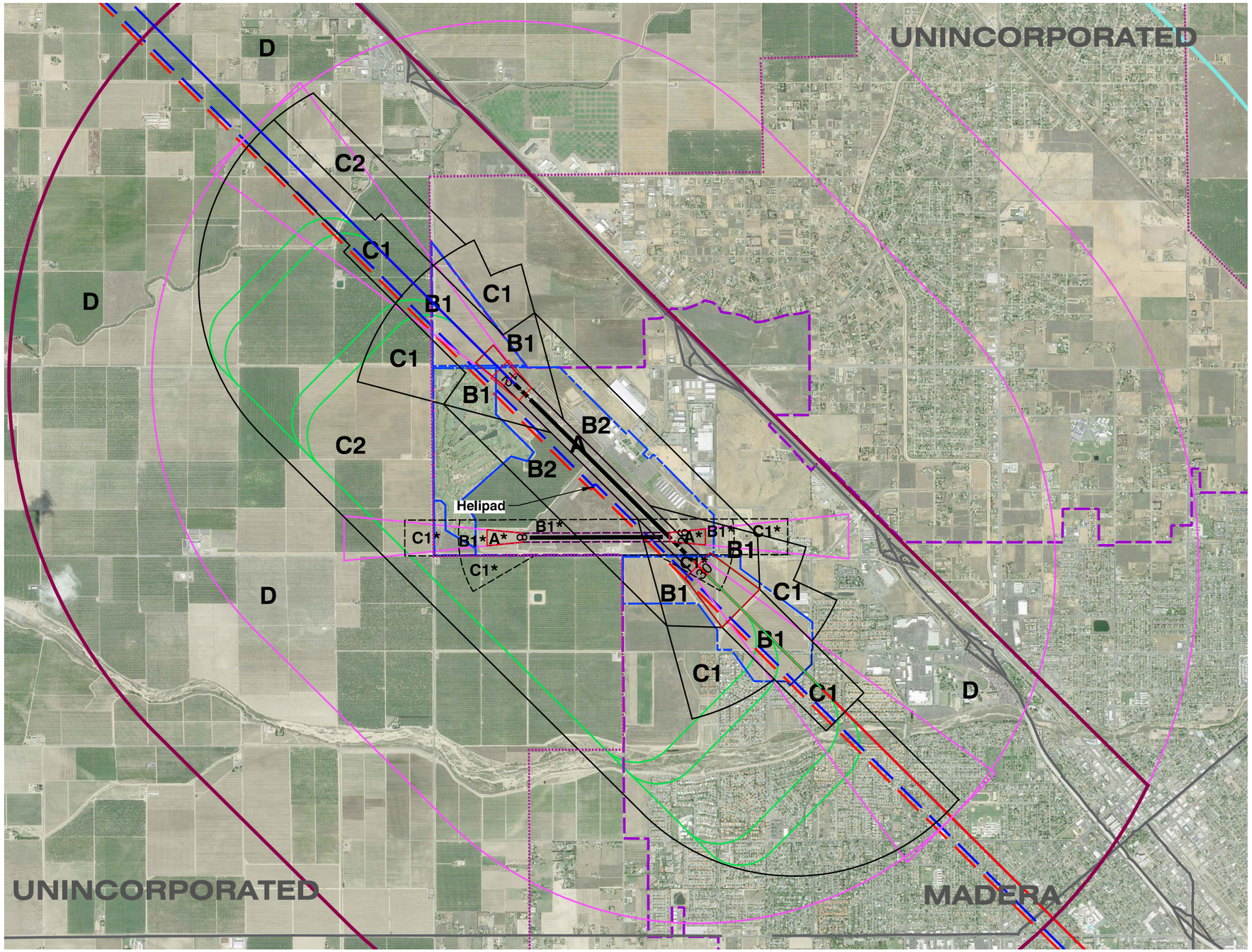

Legend

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  - **C1** Outer Approach/Departure Zone
  - **C2** Primary Traffic Pattern Zone
  - **D** Other Airport Environs
- Runway 8-26 Overlay Zones*

Airspace Factors

- FAA Obstruction Surfaces (14,000 ft.)[1]
- FAA Height Notification Surface (20,000 ft.; 100:1 slope)
- FAA Wildlife Separation Area (5,000 ft.)[2]

General Aircraft Traffic Pattern[3]

- Arrival
- Departure
- Touch and Go

(Helicopter routes shown as dashed lines)

Notes

1. Source: Federal Aviation Regulation (FAR) Part 77, Safe and Efficient Use and Preservation of Navigable Airspace (January 2011). Part 77 Surfaces refelect nonprecision approachesto Runway 12, 30 ends and visual approaches to Runway 8-26 ends.

2. Source: Federal Aviation Administration Airport Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (August 2007).

3. Source: Mead & Hunt, Inc. (January 2015) based on information provided by airport personnel and in the Madera County ALUCP (1993).

Madera Countywide
Airport Land Use Compatibility Plan
(July 2015 Draft)

Exhibit 5E

Factors Map: Overflight & Airspace

Madera Municipal Airport
296

Prepared By: Mead&Hunt www.meadhunt.com

C:\Users\1112tdb\appdata\local\temp\AcPublish_3872\All Factors Maps.dwg Jul 21, 2015 8:32:59pm

AIRPORT SITE

- *Location*
  - Northwest corner of Madera city limits
  - Approximately 3 miles northwest of Madera city center
- *Topography*
  - Situated in San Joaquin Valley
  - Approximately 13 miles north of San Joaquin River

AIRPORT ENVIRONS LAND USE JURISDICTIONS

- *County of Madera*
  - Unincorporated land immediately north and south of airport boundary
- *City of Madera*
  - Airport falls entirely within city limits
  - Shares a border with city limits on north and south

EXISTING AIRPORT AREA LAND USES

- *General Character*
  - Predominantly agriculture north, south, and west of airport, industrial uses east within Airport Industrial Park. Madera Municipal Golf Course borders airport to west
- *Runway Approaches*
  - Runway 12 (northwest): Agriculture, small number of houses on 5-acre lots
  - Runway 30 (southeast): Agriculture, residential just beyond approach
  - Runway 8 (west): Agriculture
  - Runway 26 (east): Undeveloped and agricultural uses, mobile home park

STATUS OF COMMUNITY PLANS

- *County of Madera*
  - General Plan and General Plan Land Use Map adopted by Board of Supervisors October 24, 1995
- *City of Madera*
  - General Plan adopted by City Council October 7, 2009

PLANNED AIRPORT AREA LAND USES

- *County of Madera*
  - Agriculture Exclusive south and west of airport
  - Agriculture, Rural Residential, and Light Industrial to north
  - Runway 12 approach (northwest): Agriculture Exclusive
  - Runway 8 approach (west): Agriculture Exclusive
- *City of Madera*
  - Other Public-Semi Public for most of airport
  - Industrial, Office, and Commercial east part of airport
  - Madera Municipal Golf Course directly west designated Open Space
  - Runways 8, 12, and 30 approaches (west, northwest and southeast): Open Space
  - Runway 26 approach (east): Resource Conservation/Agriculture
  - Within City Sphere of Influence (west, north and south): Village Reserve[1]

ESTABLISHED AIRPORT COMPATIBILITY MEASURES

County of Madera General Plan

- County shall ensure residential land uses are separated and buffered from airports (Policy I.C.6)
- County shall support continued use of Madera and Chowchilla Municipal Airports as general purpose airports (Policy 2.F.1)
- County shall provide for adequate ground access to Madera and Chowchilla Municipal Airports in its transportation planning and improvements (Policy 2.F.2)
- County shall work with the ALUC in planning land uses around Madera and Chowchilla Municipal Airports to ensure protection of airport operations from urban encroachment (Policy 2.F.3)
- County shall prohibit development in existing Runway Protection Zones as identified in the ALUCP (Policy 2.F.4)
- County shall require discretionary approval of all new private landing strips and helicopter landing sites (Policy 2.F.5)
- County should support development of an eastern county mountain airport (Policy 2.F.6)
- County shall ensure that new development around airports does not create safety hazards such as lights from direct or reflective sources, smoke, electrical interference, hazardous chemicals, or fuel storage in violation of adopted safety standards (Policy 6.D.1)
- County shall limit land uses in airport safety zones to those uses listed in the applicable airport comprehensive land use plans (CLUPs) as compatible uses. Exceptions shall be made only as provided for in the CLUPs. Such uses shall also be regulated to ensure compatibility in terms of location, height, and noise (Policy 6.D.2)

City of Madera General Plan

- City supports Madera Municipal Airport in its role as an important part of the local commercial economy (Policy CI-40)
- City shall consider compatibility criteria in the ALUCP and Airport Master Plan in reviewing potential land uses or projects. Projects shall be approved only where consistency with compatibility criteria in the ALUCP can be demonstrated (Policy HS-31)
- Review projects to ensure consistency with ALUCP and Master Plan at earliest possible stage of planning/ entitlement process. A determination on consistency shall be made by the entity (City Council, Planning Commission, Staff) given authority to approve the project pursuant to the zoning ordinance (Action Item HS-31.1)
- Establish and maintain a geographic information system to identify all parcels within the airport influence area and establish a standard review checklist applicable to those projects which includes references to airport compatibility criteria (Action Item HD-31.2)
- City shall ensure that new development near Madera Airport is designed to protect public safety from airport operations consistent with recommendations and requirements of the ALUC, the FAA, and other responsible agencies. It shall be the City's intent to comply with all State laws related to airport land use planning (Policy HS-32)

Source: Data compiled by Mintier Harnish. December 2014

Exhibit 5F

Airport Environs Information

Madera Municipal Airport

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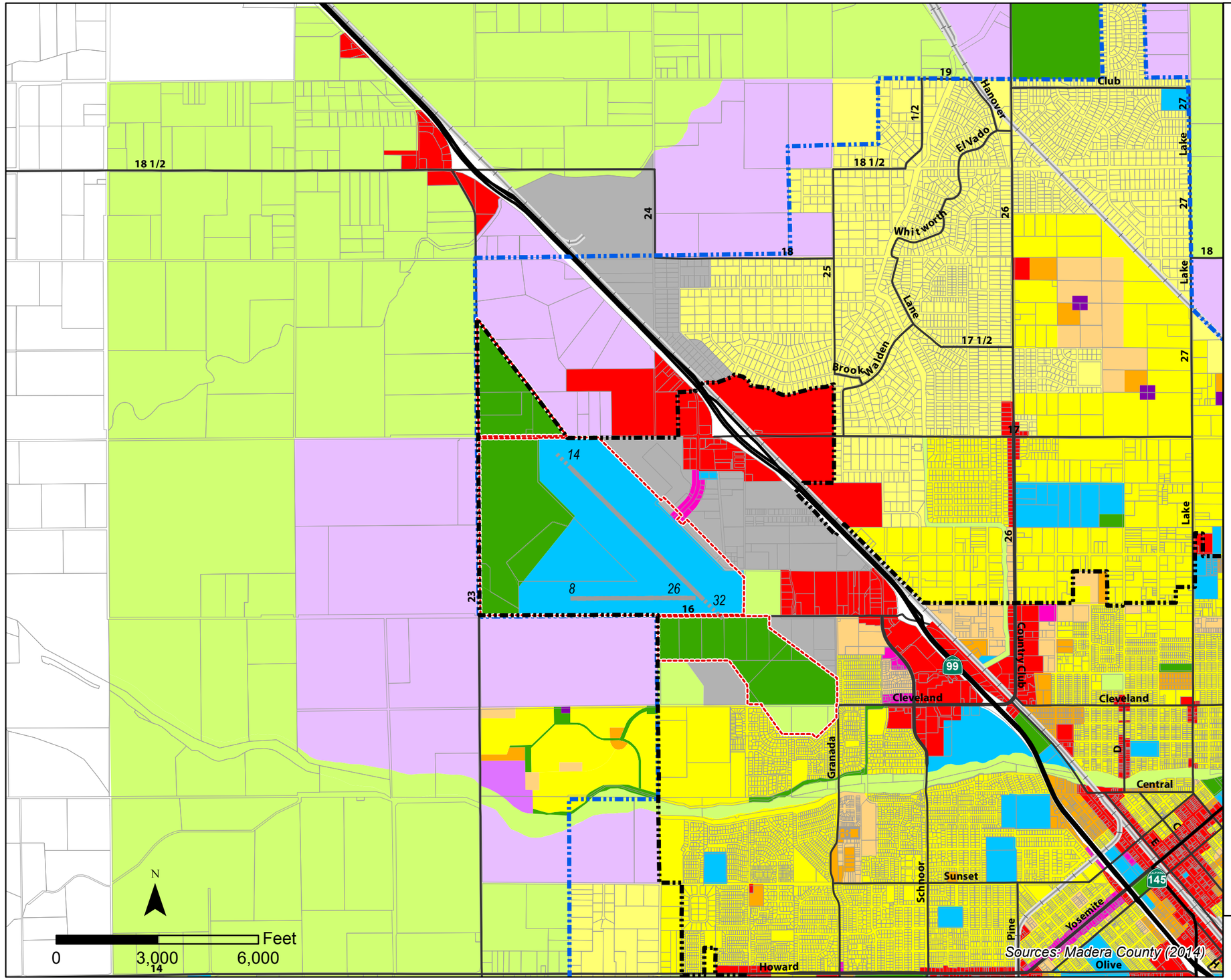


- City of Madera
- Madera Sphere of Influence
- County Limits
- Madera Municipal Airport
- Highway
- Railroad
- Runway
- Future Runway

General Plan

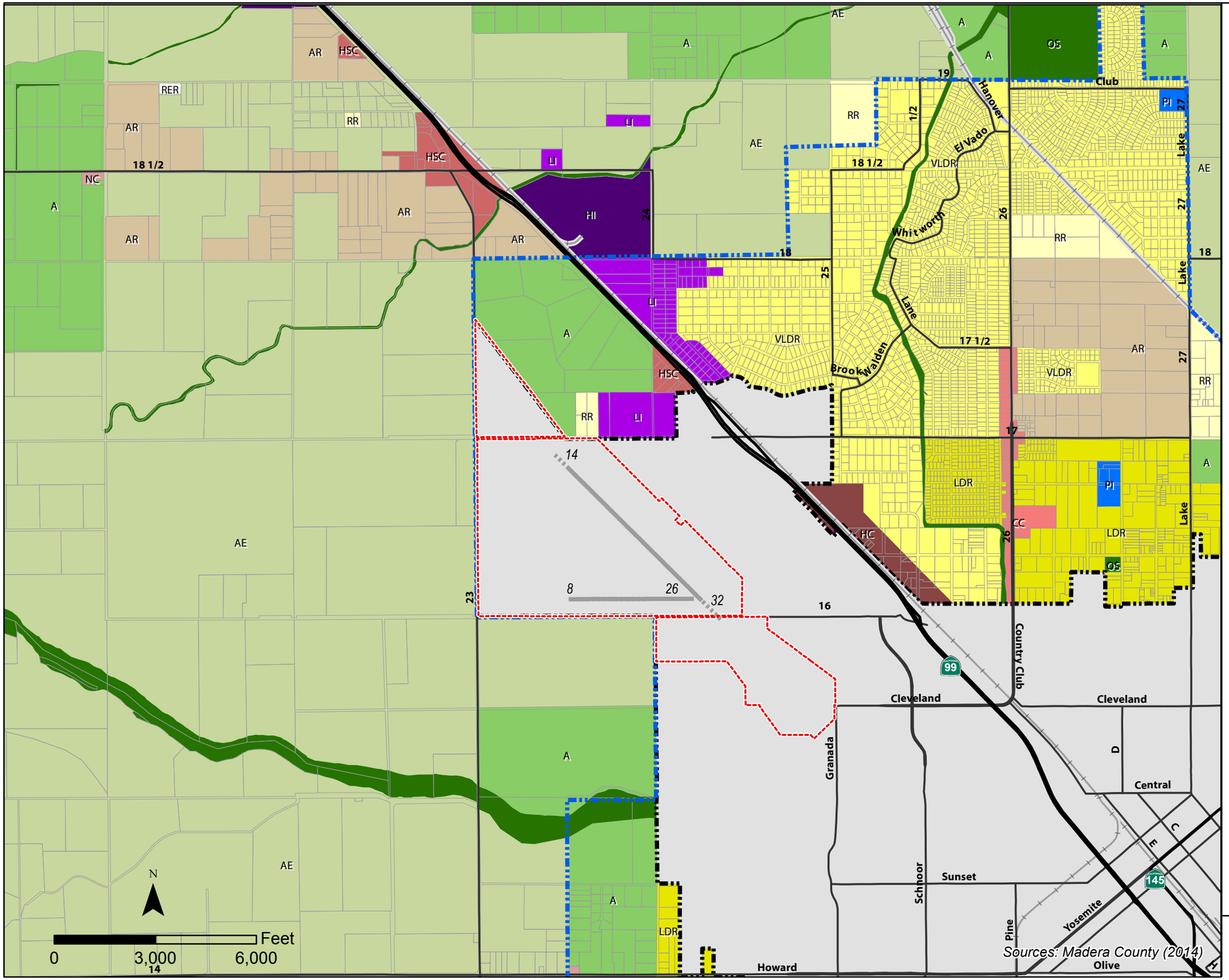
- Very Low Density Residential (0-2 units / gross acre)
- Low Density Residential (2.1-7 units / gross acre)
- Medium Density Residential (7.1-15 units / gross acre)
- High Density Residential (15.1-50 units / gross acre)
- Commercial (Max of 0.30 FAR)
- Office (Max of 1.0 FAR)
- Neighborhood Mixed Use (Flexible density and intensity)
- Village Mixed Use (Flexible density and intensity)
- Village Reserve (Flexible density and intensity)
- Industrial (Max of 0.80 FAR)
- Other Public and Semi-Public
- Open Space
- Resource Conservation/ Agriculture

Madera Countywide
Airport Land Use Compatibility Plan

Exhibit 5G

City of Madera General Plan

Madera Municipal Airport



- City of Madera
- Madera Sphere of Influence
- County Limits
- Madera Municipal Airport
- Highway
- Railroads
- Runway
- Future Runway

General Plan Designation

- Agricultural Residential (2 units / parcel)
- Agriculture Exclusive (1-2 units / parcel, Max of 0.1 FAR)
- Agriculture (1-2 units / parcel, Max of 0.1 FAR)
- Open Space (Max of 0.05 units / gross acre, Max of 0.1 FAR)
- Neighborhood Commercial (Max of 0.4 FAR)
- Community Commercial (Max of 0.6 FAR)
- Highway Service Commercial (Max of 0.4 FAR)
- Heavy Commercial (Max of 0.4 FAR)
- Light Industrial (Max of 0.5 FAR)
- Heavy Industrial (Max of 0.5 FAR)
- Public Insitutional (Max of 0.9 FAR)
- Rural Residential (0-0.5 units / gross acre)
- Very Low Density Residential (0-2 units / gross acre)
- Low Density Residential (1-7.5 units / gross acre)

Madera Countywide
Airport Land Use Compatibility Plan

Exhibit 5H

Madera County General Plan
Madera Municipal Airport

Madera Countywide Airport Land Use Compatibility Plan
Responses to Comments
September 18, 2015

Commenter	No.	Comment	Discussion	Recommended Action
California Department of Transportation, Division of Aeronautics	1	Letter indicates the Division's acceptance of the FAA-approved 2009 Chowchilla Municipal Airport Layout Plan (ALP) as the basis of the proposed Chowchilla Municipal Airport Land Use Compatibility Plan (ALUCP).	Thank you for your comment.	Updated Chapter 4 to reflect ALP approval
California Department of Transportation, Division of Aeronautics	2	Letter indicates the Division's conditional acceptance of the draft 2014 Madera Municipal Airport Layout Plan (ALP) as the basis of the Madera Municipal ALUCP.	Thank you for your comment.	Updated Chapter 5 to reflect ALP approval
California Department of Transportation, Office of Planning & Local Assistance	3	Caltrans Transportation Planning does not have any concerns with the Madera Countywide ALUCP.	Thank you for your comment.	No action recommended
California Governor's Office of Planning and Research	4	No state agencies submitted comments on the Negative Declaration for the Chowchilla Municipal ALUCP (SCH#2015071076).	Thank you for your comment.	No action recommended
California Governor's Office of Planning and Research	5	No state agencies submitted comments on the Negative Declaration for the Madera Municipal ALUCP (SCH#2015071075).	Thank you for your comment.	No action recommended
City of Madera	6	In keeping with ALUCP Policy 2.3.2, below is a copy of the City's General Plan Policy HS-31. As the ALUC completes its initial review of the City's General Plan per Policy 2.3.2, the City requests that a finding of consistency be made for the City's General Plan. This existing policy was incorporated into the Health and Safety Element of the General Plan when it was updated in 2009. Policy HS-31 states that projects may only be approved where consistency with the compatibility criteria in the ALUCP can be	In accordance with draft ALUCP Policy 2.3.2, the City of Madera's adopted General Plan was reviewed as part of the CEQA Initial Study of the proposed ALUCP. As indicated in Section 10, *Land Use and Land Use Planning*, of the Initial Study, the City of Madera's adopted General Plan will need to be amended to: 1. Reference the new ALUCP by name and adoption date;	ALUC to consider a conditional approval of the City's General Plan

		demonstrated. This policy was worded with the understanding that the ALUCP and its compatibility criteria may be updated and revised from time to time, and ensures that all projects being considered, regardless of timing, must be consistent in order to be approved. Rather than incorporate the various compatibility criteria into separate elements, the City included a blanket policy in the Health and Safety Element requiring conformance with all the criteria. Since Policy HS-31 ensures that no conflicts may occur, a finding of consistency between the City's General Plan and the ALUCP may be made. To the extent that the City chooses to amend its general plan land use diagram or to adopt or amend any specific plan, the City will refer those proposals to the ALUC in accordance with the referral policies in the Plan.	2. Establish the process by which the local agency will follow when forwarding certain land use and airport actions to the ALUC for review; 3. Define the process by which the local agency will follow when reviewing proposed land use development within the Airport Influence Area to ensure that the development will be consistent with the polices set forth in the ALUCP; and 4. Incorporate the compatibility criteria, policies, and zones. Before taking action on the amended General Plan, the City will need to forward the proposed General Plan to the ALUC for consistency determination in accordance with ALUC Policy 2.1.1.	
City of Madera	7a	**Page 1-6, Overruling ALUC Decisions:** Since the ALUC is inconsistent with the existing Airport Master Plan, which is outdated, what do we do, abandon the Airport Master Plan and utilize the Airport section of the Transportation element of the General Plan or rely just on an unadopted Airport layout plan?	ALUCPs are distinct from airport master plans, airport layout plans, and other types of airport development plans, but they are closely connected to them. Airport master plans primarily address on-airport issues. An airport layout plan (ALP) is a drawing showing existing facilities and planned improvements. ALUCPs are required to reflect the planned airport development and anticipated activity at least 20 years into the future. The most current Master Plan for Madera Municipal Airport was prepared in 1993. The most recent ALP drawing was approved by the City of Madera and the FAA in 2011. The City is in the midst of updating the ALP. The draft 2014 ALP has been submitted to the FAA for approval which is anticipated in late 2015. For all practical purposes, the 2011 ALP is currently the City's guiding document for long-term development of the airport until such time that the FAA approves the new ALP. Both ALPs depict existing airport facilities and future airport expansion. The principal differences between the proposed facility improvements reflected on the approved 2011 ALP and the draft 2014 ALP are summarized below.	No action recommended

			• The 2011 ALP proposes an 850-foot southeasterly extension of Runway 12/30 for an ultimate runway length of 6,394 feet. The draft ALP shows an ultimate length of 7,000 feet with the 850- foot southeasterly extension as well as a 606-foot extension to the northwest. • The draft 2014 ALP also shows future abandonment of Runway 8/26 when the agricultural aerial applicator lease expires in 2019. This runway closure is not reflected in the 2011 ALP. • With the future closure of Runway 8/26, much of the hangar development west of Runway 12/30 is no longer reflected in the draft 2014 ALP. The City provided ALUC staff with a copy of the draft 2014 ALP for consideration the ALUCP update. In accordance with Public Utilities Code Section 21675(a), the draft 2014 ALP has been sent to the Caltrans Division of Aeronautics for acceptance as the basis of the ALUCP update as it provides for the greatest protection against encroachment of incompatible land uses. Caltrans accepted the draft ALP in September 9, 2015.	
City of Madera	7b	**Page 1-7, Madera County ALUC:** This discussion should include a reference to the statutes which define the allowable composition of the ALUC and the discussion should note that the ALUC is "currently comprised of..." .	Thank you for your comment.	Update Chapter to address comment
City of Madera	7c	**Page 2-1, Policy 1.1.1, Actions/Projects/Proposals:** This definition is too broad. While "Airport Actions" have a specific meaning, "Projects" and "Proposals" are necessarily more general and vague. The definition should not suggest that Airport Actions and other projects and proposals are equivalent and to be treated similarly. This definition should probably be removed altogether, and a new definition for "airport actions" added in its place.	Thank you for your comment.	Remove definition and add definition for Airport Action, Airport Expansion and Land Use Action

City of Madera	7d	**Page 2-1, Policy 1.1.5, Airport Land Use Commission (ALUC):** See note above. This is the current composition, which is subject to change during the life of the ALUCP. [After County Board of Supervisors], add "and other local agencies." [The Madera County Planning Department serves as...], should read "currently serves as."	Thank you for your comment.	Update Policy to address comment
City of Madera	7e	**Page 2-3, Policy 1.1.21, Noise-Sensitive Land Uses:** [The most common types of noise sensitive land uses include...certain types of passive recreational parks and open space.] Is this a standard determination? It sounds a little bit of a stretch for passive recreational and open space.	The FAA[1], Caltrans[2] and other transportation agencies indicate that noise-sensitive receptors include, among others, recreational facilities and lands on which serenity and quiet are of extraordinary importance and which serve an important public need. Additionally, many agencies include passive recreational parks, nature preserves, contemplative spaces and other similar uses as noise-sensitive receptors.	No action recommended
City of Madera	7f	**Page 2-4, Policy 1.2.1, ALUC**: Make the reference noted above to this being the "current" composition.	Thank you for your comment.	Update Policy to address comment
City of Madera	7g	**Page 2-5, Policy 1.2.4(b), Airport Action:** In each instance where it is used, the term "Airport Action" needs to be narrowly defined. It is way too loose as currently used. Only those actions which specifically trigger a conformance determination as to land use compatibility are to be referred to the ALUC. Airport operations issues are not under the purview of the ALUC. An appropriate definition for a referable "airport action" is as follows: "Any extension or realignment of a runway, or any improvement or change to airport facilities that materially alters the flight patterns around the airport."	Policy 1.5.1 explicitly states that the ALUC has no jurisdiction over the operation of an airport as stipulated by state law.[3] Policy 2.1.4 clearly and narrowly defines what constitutes an Airport Action. For clarity, a definition that is consistent with state law has been added for "Airport Expansion." For consistency, all ALUCP policies will be referencing the term "Airport Expansion" and/or referencing the definition.	No action recommended

[1] Federal Aviation Administration (FAA), Environmental Desk Reference for Airport Actions (October 2007), Chapter 7, Noise.
[2] California Department of Transportation (Caltrans), Environmental Handbook, Volume 1: Guidance for Compliance (November 2014), Chapter 12, Noise.
[3] Public Utilities Code Section 21674(e).

City of Madera	7h	**Page 2-9, Policy 2.1.1(c), Land Use Actions Always Requiring ALUC Review:** Like paragraph (b) above it, this referral criteria should apply only to amendments that also involve the types of airport impacts concerns listed in Policy 1.3.1(a).	The intent of paragraph (c) is to indicate that referrals of Land Use Actions referenced in paragraph (a) always require formal review by the ALUC. Land Use Actions referenced in paragraph (b) always require formal review by the ALUC if they have wide community applicability; those that are parcel-specific (e.g., land use designation change associated with a development proposal) can be reviewed by ALUC staff rather than the ALUC.	Update policy to provide clarity
City of Madera	7i	**Page 2-9, Policy 2.1.2, Interim Mandatory Referral of Disputed Land Use Actions:** The reference to the presence of a "dispute" is unclear. Dispute between whom? In (b) below, the statement indicates that the Local Agency may appeal a matter to the ALUC. It is unclear what circumstances would exist when the City would need to appeal an item.	The intent of this Policy is to allow the ALUC to review any land use development proposal for which there is a disagreement or question regarding the proposal's compatibility with the Airport. An individual, group or agency can formally request that the Local Agency appeal the matter to the ALUC for a formal consistency determination prior to the Local Agency taking action on the development proposal. A finding of inconsistency by the ALUC would require the Local Agency to overrule the ALUC's determination if it wished to proceed with the project.	Update policy to provide clarity
City of Madera	7j	**Page 2-10, Policy 2.2.1, Timing of Referral:** Do the State Statutes require ALUC compatibility determination prior to final action by the local agency? If not, the ALUCP should allow for this determination to be made after local agency action, but prior to the issuance of permits for project development. Local Agency approval would require a compatibility determination as a condition of approval.	As required by Public Utilities Code Section 21676(b), referral to the ALUC must take place prior to the local jurisdiction's action to adopt or amend the general plan or specific plan. Public Utilities Code Section 21676(d) provides the ALUC with 60 days from the date of referral to make a consistency determination.	No action required
City of Madera	7k	**Page 2-10, Policy 2.2.2, Public Input:** What does "applicable" refer to?	The intent of the policy is to indicate that public input is required when the ALUC makes a formal consistency determination on a Land Use or Airport Action. Actions referred to the ALUC on a voluntary basis, for example, would not require public notice as the consistency determinations would be made by the ALUC Secretary as provided by ALUC Policy 2.1.3.	Update policy to provide clarity
City of Madera	7l	**Page 3-15, Policy 3.4.8(a)(1), Vulnerable Occupants:** The limitations of this entire category of land use, particularly day care centers, within the C2 compatibility zone, seems overly restrictive. Day care centers, and	The Handbook[4] recommends "limiting" children's schools, large day care centers, hospitals and nursing homes in the Traffic Pattern Safety Zone. The Handbook also indicates that similar consideration	Update policy to slightly relax criteria within Zone C2

[4] California Airport Land Use Planning Handbook (Handbook) published by Caltrans Division of Aeronautics October 2011.

		potentially senior housing facilities, are integral components of neighborhoods. Consistent with the stated intensity/density criteria for C2, day care centers and senior housing facilities should be allowed within that zone.	should be given to other facilities that cater to children or have vulnerable occupants. The California Education Code (Section 17215(a)) requires special attention be given to new school sites, dictating that Caltrans review and approve sites within two miles of an airport runway. The proposed policy will be relaxed slightly to "limit" these risk-sensitive land uses within Zone C2.	
City of Madera	7m	**Page 3-15, Policy 3.4.8(a)(2), Expansion of Vulnerable Occupants**: See above comment. This restriction should not be applicable to C2 zone.	See comment 7l above.	See proposed action for comment 7l above
City of Madera	7n	**Page 3-16, Policy 3.4.8(b)(3), Hazardous Materials:** The above bullet point states that fuel and hazardous materials are allowed in varying degrees in Zones B1 and B2. This bullet point seems to suggest more restrictive standards for C1 and C2. Is a gas station allowed in C1 and C2? Above ground tanks? Below ground tanks?	The criteria for Zones B1 and B2 are more restrictive than the criteria for Zones C1 and C2 in that it only allows aviation-related hazardous materials (e.g., jet fuel) and limited nonaviation materials. Nevertheless, gas stations are conditionally allowed in Zones B1, B2, C1 and C2.	No action recommended
City of Madera	7o	**Page 3-16, Policy 3.4.8(b)(3), Hazardous Materials:** This is confusing. Which uses are allowed within Zone D?	The uses described in Paragraph (1) of Policy 3.4.8(b)(3) would be allowed.	No action recommended
City of Madera	7p	**Page 3-16, Policy 3.4.8(c)(2), Critical Community Infrastructure:** Solar arrays and other "non-primary" power sources are allowable facilities in all zones.	Zones A and B1 are exposed to high levels of risk of an aircraft accident. Critical community infrastructure should not be located in these zones as these types of facilities have the potential to create airspace hazards or if struck by an aircraft could have significant consequences on the public's health and welfare. As such, within Zones A and B1, a project's compatibility with Airport operations will need to be assessed on a case-by-case basis. The criteria for the other areas of the Airport Influence Area can be relaxed slightly.	Update Policy to address comment
City of Madera	7q	**Page 3-20, Policy 3.5.3, Criteria Addressing Other Flight Hazards:** Should add the sentence: For the purposes of this document, normal public parks and storm drainage facilities not in the A, B1, or B2 zones are not to be considered a significant wildlife hazard	The intent of this Policy is to mirror the criteria established by the FAA regarding wildlife hazards. Providing a blanket exception normal public parks and storm drainage facilities would not be appropriate as the term "normal" may be interpreted differently by	No action recommended

		unless they have an unusual a feature that is a major wildlife attractant.	each affected agency. Therefore, any proposal containing these types of uses should individually address how the project satisfies the FAA's guidance on mitigating wildlife hazards.	
City of Madera	7r	**Page 3-23, Policy 3.6.2, Airport Proximity Disclaimer:** I would rather we did require it, a business can be impacted by the noise just as easily.	Thank you for your comment.	Update Policy to address comment
City of Madera	7s	**Policy 3-25, Policy 3.7.2, Existing Nonconforming Uses, Day Care Centers:** As noted above, this is too restrictive for C-2 Zones.	As indicated above, uses containing vulnerable occupants will be conditionally allowed in Compatibility Zone C2.	Update Policy to address comment
City of Madera	7t	**Page 3-27, Policy 3.7.5(d), Special Conditions Exception:** [The burden for demonstrating that special conditions apply to a particular development…] Instead should it read "are adequate for"?	This is a question of semantics.	No action recommended
City of Madera	7u	**Page 3-27, Policy 4.1.1, Airport Expansion:** This reference to "expansion" should be tied to the state statutes for expansions.	As indicated above, a definition that is consistent with state law has been added for "Airport Expansion." For consistency, all policies will be referencing "Airport Expansion."	Update Policy to reference "Airport Expansion"
City of Madera	7v	**Page 3-27, Policy 4.1.1(a), Helicopter Takeoff and Landing Area:** Helicopter take off and landing areas are an internal operational issue, they do not change the flight patterns, just where they end up parking them.	Consistent with state law and as indicated in Policy 2.1.4, a proposed helicopter takeoff and landing area requiring an amended airport permit from Caltrans requires review by the ALUC.	No action recommended
City of Madera	7w	**Page 3-27, Policy 4.1.2(a), Airport Facilities:** Should read "Airport Runways". Should not be as broad as Airport facilities, as that would encroach on the Airports' operations.	As indicated above, a definition that is consistent with state law has been added for "Airport Expansion." For consistency, all policies will be referencing "Airport Expansion."	Update Policy to reference "Airport Expansion"
City of Madera	7x	**Page 3-28, Policy 4.1.3, Airport Expansion Plan:** See prior comments.	As indicated above, a definition that is consistent with state law has been added for "Airport Expansion." For consistency, all policies will be referencing "Airport Expansion."	Update Policy to reference "Airport Expansion"
City of Madera	7y	**Page 5-1, Draft 2014 Airport Layout Plan (ALP):** [Shows future abandonment of Runway 8/26 when the agricultural aerial applicator lease expires in 2019.] Should read "shows the potential future"… This [reference to the lease] should be eliminated as it is not the determining factor. It is based on the use ability of the runway and competing uses at for the land.	Thank you for your comment.	Update chapter to address comment

Don Horal, Airport Land Use Commissioner	Verbal comment provided 8/4/15 and clarified on 9/10/15	Zone C1 northeast and southeast of Madera Municipal Airport should not have notches out of them and should look more like Zone C1 on the west side of the airport given the following circumstances: 1. The published instrument departure procedure requires aircraft departing from Runway 30 to make a climbing right turn. Many aircraft begin the climbing right turn at the north end of the runway thereby placing aircraft northeast of the airport. 2. During the winter, pilots arriving from the east are flying under the cloud cover at low altitudes following either Highway 145 or Cleveland Avenue until making a right turn from base leg to final approach.	The Handbook provides a set of safety zones for airports with a single-sided traffic pattern zone. The single-sided traffic pattern example eliminates the turning zone (i.e., Handbook Zone 3) on the non-pattern side of the runway. This configuration assumes that aircraft are less likely to crash in locations over which they normally do not fly. It is recognized, however, that the potential exists for aircraft to deviate to the non-pattern side on either takeoff or landing, especially under inclement weather or emergency conditions. As such, Zone C1 (equivalent to Handbook Zone 3) is provided on the east side of the airport to maintain this important buffer. Zone C1 on the west side of the airport was enlarged to eliminate the "notches" to account for the fact that the primary traffic pattern lies west of the airport.	No action recommended
Mike Pistoresi, Property Owner	Verbal comment provided 8/4/15	Concerned that the proposed ALUCP density criteria would restrict several properties south of Madera Municipal Airport that have received certain entitlements from the City of Madera.	Four residentially zoned properties have received certain entitlements from the City of Madera prior to the adoption of the proposed ALUCP. As such, special exceptions are provided to the density criteria for Compatibility Zone C1.	Add site-specific exceptions to ALUCP to address comment
Airport Land Use Commission	Verbal Comment provided 8/4/15	Indicate City of Chowchilla's intention of possibly relocating the airport in the future.	Thank you for your comment.	Update Chapter 4 to address comment.

Exhibit N:

Public Hearing Notice for September 1, 2015

NOTICE OF PUBLIC HEARING

MADERA COUNTY AIRPORT LAND USE COMMISSION

NOTICE IS HEREBY GIVEN that the Airport Land Use Commission of the County of Madera, State of California, will hold a PUBLIC HEARING to consider the following:

A comprehensive update of the **Madera County Airport Land Use Compatibility Plan** (ALUC #2015-002). Draft Negative Declarations (ND #2015-15 & ND #2015-16) have been prepared for the Chowchilla Municipal Airport and the Madera Municipal Airport concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA) and is available together with the Initial Study for public review at the Madera County Community and Economic Development, Planning Division. Written comments concerning this proposed project and the draft Negative Declarations (MND #2015-15 & #2015-16) may be submitted to the Planning Division until August 28, 2015, which will be the end of a 30 day review period. For more information please contact Matt Treber at (559) 675-7821.

This PUBLIC HEARING will be held at the meeting of the Airport Land Use Commission on Tuesday, September 1, 2015, 2015, at 6:00 p.m. at the Madera County Government Center, 200 West 4th Street, Madera, California.

NORMAN L. ALLINDER, Planning Director
Madera County, California

No. 2245 - July 30, 2015

Exhibit O:

Public Hearing Notice for September 29, 2015

NOTICE OF PUBLIC HEARING

MADERA COUNTY AIRPORT LAND USE COMMISSION

NOTICE IS HEREBY GIVEN that the Airport Land Use Commission of the County of Madera, State of California, will hold a PUBLIC HEARING to consider the following:

A comprehensive update of the **Madera County Airport Land Use Compatibility Plan** (ALUC #2015-002). Draft Negative Declarations (ND #2015-15 & ND #2015-16) have been prepared for the Chowchilla Municipal Airport and the Madera Municipal Airport concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA) and is available together with the Initial Study for public review at the Madera County Community and Economic Development, Planning Division. The public comment period closed on the CEQA documents September 1, 2015. For more information please contact Matt Treber at (559) 675-7821.

This PUBLIC HEARING will be held at the meeting of the Airport Land Use Commission on **Tuesday, September 29, 2015, at 6:30 p.m.** at the **Madera County Government Center**, 200 West 4th Street, Madera, California.

NORMAN L. ALLINDER, Planning Director
Madera County, California

Exhibit P:

August 26, 2015, Airport Advisory Commission (AAC) Meeting Minutes

MADERA AIRPORT ADVISORY COMMISSION
MINUTES OF MEETING
February 11, 2015

MEMBERS
PRESENT: Don Horal, Chairman
Richard Gould, Vice Chairman
Don Holley, Commissioner
Leonard Chavin, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Nick Davis, Commissioner
Others: Jason Rogers, Administrative Analyst
David Russell, Maintenance Tech

The meeting was called to order by Chairman Horal at 10:00 am in the Pilot's Lounge, Madera Municipal Airport. 4020 Aviation Drive, Madera, CA

1. **Seating of New Members**

New members Richard Broadhead, William Jacobsen, and Nick Davis were seated and introduced to the group. All members took turns in introducing themselves.

2. **Election of Officers**

Don Holley made a motion to re-appoint Don Horal as the Chairman and Richard Gould as the Vice Chairman. Richard Broadhead seconded the motion. The motion passed 7-0.

3. **Airport Managers Report**

Jason Rogers, the Administrative Analyst, reported on the following information;

a. Hangar Vacancies – all hangars are currently occupied and a small waiting list has been compiled for those interested in future vacancies. Additionally, there has been some interest by to people for potential ground leases in order to build large hangars.
b. ACIP Annual Update – The ACIP annual update has been completed and submitted to the FAA. The purpose of the ACIP is to determine the Airport's next potential projects and get them eligible for FAA grant funding. The update shows 3 eligible projects for the next year; Apron Reconstruction Phase II, Drainage Improvements and a Crack Seal Project for the Apron, Taxiways and Runway. The City submitted Cat Exes for each project but the FAA only accepted on the Crack Seal project and is requiring EAs on the two remaining projects, thereby pushing funding eligibility of these projects out a year or two.

c. ALP Update – The ALP Update is nearly complete and ready to be sent to the FAA for review. The City, along with our consultant, Reinard Brandley is currently reviewing the property lines of the Airport. This is a requirement of the FAA and once completed, will be sent to the FAA for their review.
d. Future Meeting Schedule – In order to have a more regular cycle of AAC meetings, it was decided that the AAC will meet on the 2nd Wednesday of the 2nd month of each quarter for a total of 4 regular meeting a year. Additional special meeting will be called as needed.

5. Commissioner Reports/Comments

Commissioners Reports: None

6. Adjournment

There being no further business before the Commission. Chairman Horal adjourned the meeting at 11:31 am.

Submitted by: Jason Rogers, Administrative Analyst

cc: Airport Advisory Commission
City Administrator

Exhibit Q:

May 27, 2015, Airport Advisory Commission (AAC) Meeting Minutes

MADERA AIRPORT ADVISORY COMMISSION
MINUTES OF MEETING
May 27, 2015

MEMBERS
PRESENT: Don Horal, Chairman
Richard Gould, Vice Chairman
Don Holley, Commissioner
Leonard Chavin, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Nick Davis, Commissioner
Others: Dave Randall, Public Works Operations Director
David Russell, Maintenance Tech

The meeting was called to order by Chairman Horal at 9:00 am in the Pilot's Lounge, Madera Municipal Airport. 4020 Aviation Drive, Madera, CA

1. **Informational Report on Hangar Vacancies and Hangar Wait-list**

The AAC was informed by Dave Randall that there are currently no hangar vacancies and there is a waitlist of 8 people. Any future hangar vacancy will be filled from the waitlist.

2. **Informational Report on the Completion of the Pavement Maintenance Management Plan (PMMP) Project**

The PMMP has been completed and accepted by the City and the FAA. The grant has been closed out. The PMMP will be used to determine future Pavement needs and is required by the FAA when applying for future grants.

3. **Informational Report on the Airport Layout Plan (ALP) Update**

The ALP Update has been completed and submitted to the FAA for review. We are awaiting FAA approval on the update before we can close out this project.

5. **Discussion of Proposed FAA Application for Funding of the Apron, Taxiway, Runway Crack Seal Project**

The City originally submitted 3 Cat Ex applications for future projects. This is the only one that the FAA approved and as a result, is the only project currently available to receive funding. A new requirement of the FAA now requires us to post a notice of intent to apply for a grant for projects. This notice has been posted in the Airport Lobby. We are expecting to apply for a grant within the next two months.

6. **Discussion of Storm Water Discharge Changes**

The State of CA is in the process of changing the requirements of the Industrial Stormwater Discharge Permit. Some of the changes include: increased storm monitoring (from Oct – May to year round), increased sampling, electronic reporting, and creation of new Stormwater Pollution Prevention Plans. We will be sending out questionnaires to all FBOs this summer which will allow us to create a new Stormwater Pollution Prevention Plan in compliance with the new regulations.

7. **Adjournment**

There being no further business before the Commission. Chairman Horal adjourned the meeting at 11:30 am.

Submitted by: Jason Rogers, Administrative Analyst

cc: Airport Advisory Commission
City Administrator

Exhibit R:

August 26, 2015, Airport Advisory Commission (AAC) Meeting Minutes

MADERA AIRPORT ADVISORY COMMISSION
MINUTES OF MEETING
August 26, 2015

MEMBERS
PRESENT: Don Horal, Chairman
Richard Gould, Vice Chairman
Don Holley, Commissioner
Leonard Chavin, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Not Present: Nick Davis, Commissioner
Others: Jason Rogers, Admin. Analyst
David Russell, Maintenance Tech

The meeting was called to order by Chairman Horal at 9:00 am in the Pilot's Lounge, Madera Municipal Airport. 4020 Aviation Drive, Madera, CA

1. **Informational Report on Hangar Vacancies and Hangar Wait-list**

The AAC was informed by Jason Rogers that there were two hangar vacancies and that the waitlist of 8 people will be used to fill the vacancies. Any future hangar vacancy will continue to be filled from the waitlist.

2. **Informational Report on Hangar Inspections and Findings**

Jason Rogers reported that the hangar inspections were largely successful. Tenants were cooperative and that there were only a few remaining to be inspected. Many tenants asked why the hangars were being inspected and were told by staff that the airport had received some complaints in regards to non-aeronautical storage at the airport. As a result, in order to abide by FAA requirements and sponsor assurances, the Airport will be conducting periodic inspections of the hangars in the future. In regards to the findings, Airport staff found that the majority of the hangar tenants were in compliance. Three were found to be out of compliance; one due to car storage, one due to non-aeronautical storage, and one due to modification of the hangar. Those tenants will be given a 90 day notice to correct their issue or face termination of their lease.

3. **Informational Report on the Completion of the Storm Water Pollution Prevention Plan (SWPPP)**

Due to new State stormwater permit requirements, the SWPPP had to be updated. New changes to the SWPPP included: new site maps, increased dry weather monitoring, new best management practices, registration and uploading the SWPPP to the State's online SMARTS system and increased stormwater

sampling. Staff completed the new SWPPP for the Airport and it is available on site for review if anyone is interested.

5. **Discussion of Proposed FAA Application for Funding of the Apron, Taxiway, Runway Crack Seal Project**

Jason reported that the City applied for funding for the Crack Seal Project but our application was rejected due to missing the FAA deadline of July 2, 2015. As a result, 2015 funding is not available for this project. Staff were unaware of this deadline, as were many other airports. The FAA Airports District Office did not advise any airports of this change in procedure. Jason informed the AAC that this issue would be brought up at the annual Association of California Airports conference in September. The City will apply for funding for this project again in 2016.

6. **Discussion of Airport Capital Improvement Program**

Jason reported that the deadline for the Airport Capital Improvement Program 5 year plan will be coming up soon. As a result of failing to receive funding this year, most projects will need to be pushed out at least a year. Jason is currently working with the Airport's consulting engineer to revise the ACIP and submit it in a timely manner. Typically, the City has met with the FAA to discuss the ACIP plan in late November/early December but it appears that the FAA is moving that time schedule up by a few months. As a result, we plan on being ready to meet with them in October.

7. **Discussion of Airport Land Use Compatibility Plan**

The Airport Land Use Commission has allowed additional time for review of the ALUCP. This additional review time was requested by the City of Madera and a few of the Airport land Use Commissioners as it was believed that the County had failed to provide adequate time for stakeholder review. The City will continue to review the ALUCP and provide comments to the consultant in a timely manner. The County is expected to adopt the ALUCP in late September. Jason advised the AAC to review the draft ALUCP and provide any comments they deemed necessary.

8. **Adjournment**

There being no further business before the Commission. Chairman Horal adjourned the meeting at 10:50 am.

Submitted by: Jason Rogers, Administrative Analyst

cc: Airport Advisory Commission
City Clerk
City Administrator

Exhibit S:

May 1, 2017, Airport Advisory Commission (AAC) Meeting

City of Madera Airport Advisory Commission Meeting
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637
REGULAR MEETING DRAFT AGENDA
May 1, 2017, 9:00 AM

- *The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.*

- *Any writing related to an agenda item for the open session of this meeting distributed to the Airport Advisory Commission less than 72 hours before this meeting is available for inspection at the Madera Municipal Airport, 559-661-3687, 4020 Aviation Dr., Madera, California 93637 during normal business hours.*

CALL TO ORDER

ROLL CALL: Don Horal, Chairman
Richard Gould, Vice Chairman
Sam Weis, Commissioner
Don Holley, Commissioner
Richard Broadhead, Commissioner
William Jacobsen, Commissioner
Nick Davis, Commissioner

PUBLIC COMMENT:

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

BUSINESS MATTERS:

1. Election of Officers

2. Informational Report on Hangar Vacancies and Hangar Wait-list – Mary Church, Administrative Analyst

3. Informational Report on Airport Layout Plan Project – Mary Church, Administrative Analyst

4. Informational Report on Airport Apron Reconstruction Phase II Project – Mary Church, Administrative Analyst

5. Informational Report on Stormwater Pollution Prevention Plan and Group Leader Inspection (ACMG) – Mary Church, Administrative Analyst

6. Discussion on Interim Development of Extended Lobby Pad

7. Commissioners reports/comments

ADJOURNMENT – Next meeting, August 2017

I, Mary Church, Administrative Analyst for the City of Madera, declare under penalty of perjury that I posted the above Airport Advisory Commission Agenda for the Meeting of May 1, 2017, near the front entrances of the City of Madera Airport Administration Building and at City Hall before the close of business on April 24, 2017.

_____
Mary Church, Administrative Analyst

MEETINGS OF THE CITY OF MADERA AIRPORT ADVISORY COMMISSION ARE OPEN TO THE PUBLIC

Exhibit T:

August 21, 2019, Madera City Council Meeting Agenda

REGULAR MEETING OF THE MADERA CITY COUNCIL, REGULAR MEETING OF MADERA PUBLIC FINANCING AUTHORITY BOARD, SPECIAL MEETING OF THE MADERA CITY COUNCIL AS THE GROUNDWATER SUSTAINABILITY AGENCY, AND SPECIAL MEETING OF MADERA CITY COUNCIL AS SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY

205 West 4th Street, Madera, California 93637

JOINT MEETING NOTICE AND AGENDA

Wednesday August 21, 2019 **Council Chambers**
6:00 p.m. **City Hall**

CALL TO ORDER

ROLL CALL: **Mayor Andrew J. Medellin**
Mayor Pro Tem Steve Montes, District 3
Council Member Cece Gallegos, District 1
Council Member Jose Rodriguez, District 2
Council Member Derek O. Robinson Sr., District 4
Council Member Santos Garcia, District 5
Council Member Donald E. Holley, District 6

INVOCATION: Pastor Roger Leach, Valley West Christian Center

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT:

The first fifteen minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

PRESENTATIONS

There are no items for this section.

INTRODUCTIONS

There are no items for this section.

A. WORKSHOP

A-1 Airport Land Use Compatibility Plan – Closure of Runway 8-26 Project (Report by Chris Boyle)

B. CONSENT CALENDAR

B-1 Minutes – 07/03/2019

B-2 Informational Report on Register of Audited Demands (Report by Susan O'Haro)

B-3 Informational Report on Contract City Attorney Services (Report by Wendy Silva)

B-4 Consideration of a Resolution Approving a Consultant Services Agreement in the Amount of $124,000 With Madera Unified School District (MUSD) for Partial Administration of the District's Academic Year 2019-20 After School Program and Authorizing the Mayor to Execute the Agreement on Behalf of the City (Report By John Scarborough)

B-5 Consideration of a Resolution Approving an Agreement with Tully & Young Inc. (TYI) in the Amount of $15,000 for Consulting Services and Authorize Optional Services up to $1,500 for the Groundwater Sustainability Agency (GSA) and Groundwater Sustainability Plan (GSP) Activities and Authorizing the Mayor to Execute the Agreement California -- Action by City Council as Groundwater Sustainability Agency (Report by Keith Helmuth)

B-6 Consideration of a Resolution Authorizing Worker's Compensation Coverage for Off-Duty Peace Officers Who Sustain an Injury or Illness While Out of State in Accordance with Labor Code Section 3600.2 (Report by Wendy Silva)

B-7 Consideration of a Minute Order Accepting $15,290.19 from Allstate Insurance as Payment in Full for Damage to City Property (Report by Wendy Silva)

B-8 Consideration of a Resolution of the City Council of the City of Madera, Approving an Annual Master Subscription and Service Agreement between the City of Madera and eCivis for Cost Allocation Software in the amount of $2,499.00 and Authorizing the City Manager to Execute the Agreement (Report by Susan O'Haro)

B-9 Consideration of a Resolution Accepting Street Easement Deed and Public Utility Easement Deed, Offered by Spanish United Pentecostal Church, In Conjunction with a

New Church Facility Being Constructed at 27243 Ellis Street (APN: 037-040-005), and Authorizing the City Clerk to Execute and Cause to Be Recorded, Certificates of Acceptance (Report by Keith Helmuth)

B-10 Consideration of a Resolution Accepting Public Utility Easement Deed, Offered by First Priority Funding, LLC, In Conjunction with a New Commercial Building Being Constructed at 301 West Olive Avenue (APN: 010-202-019), and Authorizing the City Clerk to Execute and Cause to Be Recorded, a Certificate of Acceptance (Report by Keith Helmuth)

B-11 Consideration of a Resolution Approving an Agreement with Madera County for Municipal Code Prosecution Services by the District Attorney's Office (Report by Wendy Silva)

C. HEARINGS, PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS

C-1 Consideration of a Joint Resolution of the City Council of the City of Madera and the Madera Public Financing Authority Approving an Agreement with Del Rio Advisors, LLC, for Municipal Advisor Services Related to the Financing of Energy Projects -- Action by City Council and City Council as Madera Public Financing Authority (Report by Susan O'Haro)

C-2 Consideration of a Resolution Approving an Agreement for Legal Services with Montoy Law Corporation (Report by Wendy Silva)

C-3 Consideration of Two Resolutions Approving Revised Community Development Block Grant (CDBG) Re-Allocations as Proposed by the Block Grant Commission (BGC) for 2019/2020 and Adopting the Updated Related Resolutions Which Re-Distribute $55,559.

The Resolutions propose:

a. To Revise the City of Madera Parks and Community Services Department CDBG Allocation to Provide Seniors with Nutritious Meals and Support with Healthy Food Choices, Technology and Education about Fraud Targeted to Seniors ($30,559)

b. To Revise the Madera Coalition for Community Justice CDBG Allocation to Provide a Youth Leadership Program ($25,000), and

c. Approve Two Agreements for Senior Services and a Youth Leadership Program (Report by Ivette Iraheta)

C-4 Public Hearing and Consideration of a Resolution of the City Council of the City of Madera Ordering the Cost Recovery for Weed Abatement Expenses on Seven Properties in the Form of Liens Totaling $4,331.50 (Report by Brian Esteves)

C-5 Discussion and Consideration of Administration and Operations of Successor Agency and Successor Housing Agency with Current City staff, Hiring of New Staff, and/or Retention of a Consultant-- Action by City Council as Successor Agency and the Successor Housing Agency (Report by Arnoldo Rodriguez)

C-6 Consideration of Resolution Approving Financing Conveyance for Habitat for Humanity in Accordance with Section 414 of Disposition and Development Agreement (DDA) for 307, 209, 311, 313, and 315 Malone Street in Madera, California. -- Action by City Council as Successor Agency (Report by Arnoldo Rodriguez)

C-7 Consideration of a Resolution Authorizing the Submission of an Application in the Amount of $31,223 to the Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2019 Local Solicitation (Report by Ivette Iraheta)

D. WRITTEN COMMUNICATIONS

There are no items for this section.

E. ADMINISTRATIVE REPORTS

E-1 CFD 2006-01 Follow-up from Workshop held on 06/19/2019 (Report by Susan O'Haro)

F. COUNCIL REPORTS

F-1 Project Labor Agreement (PLA) (Report by Councilmember Santos Garcia)

G. CLOSED SESSION

G-1 Closed Session Announcement – City Attorney

G-2 Conference with Labor Negotiators pursuant to Government Code §54957.6
Agency Designated Representatives: Arnoldo Rodriguez, Wendy Silva, & Che Johnson

Employee Organizations: General Bargaining Unit
Madera Police Officers' Association
Mid-Management Employee Group
Law Enforcement Mid-Management Group

G-3 Closed Session Report – City Attorney

ADJOURNMENT – Next regular meeting September 4, 2019

- Please silence or turn off cell phones and electronic devices while the meeting is in session.
- Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
- Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4th Street, Madera, California 93637 during normal business hours.

- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.

- Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.

- Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5405.

I, Claudia Mendoza, Interim City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for August 21, 2019, near the front entrances of City Hall and on the City's website www.madera.gov at 5:40 p.m. on August 15, 2019.

Claudia Mendoza
_____
Claudia Mendoza, Interim City Clerk

Exhibit U:

December 3, 2019, Airport Advisory Commission (AAC) Meeting

City of Madera
Airport Advisory Commission
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637

SPECIAL MEETING
December 3, 2019
8:00 a.m.

AGENDA

I. Opening Procedures:

A. Call to Order
B. Roll Call
C. Public Comment:

The first fifteen minutes of the meeting are reserved for members of the public to address the Committee on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Committee. Speakers shall be limited to five (5) minutes, and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Committee on items on the Agenda should notify the Chair when that Agenda item is called. The Committee is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Committee does not respond to public comment at this time.

D. Approval of Minutes:

- None

II. New Business:

A. Announcement Regarding Closure of Runway 8-26 (Jim Howell, Interim Public Works Operations Director)

III. Old Business:

A. Commissioners reports/comment
B. Schedule Date for Next Regular Meeting

IV. Adjournment

- *The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.*
- *Any writing related to an agenda item for the open session of this meeting distributed to the Airport Advisory Commission less than 72 hours before this meeting is available for inspection at the Madera Municipal Airport, 559-661-3687, 4020 Aviation Dr., Madera, California 93637 during normal business hours.*

I, Marylin Hall-Zunino, Administrative Assistant for the City of Madera, Public Works Department, declare under penalty of perjury that I posted the above Airport Advisory Commission Agenda for the Special Meeting of December 3, 2019 on November 26, 2019.

MARYLIN HALL-ZUNINO, Administrative Assistant

City of Madera
AIRPORT ADVISORY COMMISSION
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637

Chair Donald Horal called the special meeting of the Airport Advisory Commission to order at 8:00 a.m. on Tuesday, December 3, 2019.

I. Opening Procedures:

A. Call to Order
B. Roll Call

MEMBERS Present: Donald Horal, Chair
Richard Gould, Vice Chair
Jerry Holiday
Richard Broadhead
Nick Davis

STAFF Present:

Interim Public Works Director	Jim Howell
Administrative Analyst	Mary Church
Airport Staff	Rounel Ochoa

EXCUSED:

Issa Zacharia Recording Secretary/Administrative Assistant	Marylin Hall-Zunino

MEMBERS Absent: Felipe Grimaldo Jimenez

GUESTS: five

C. Public Comment: NONE.

D. Approval of Minutes:

No minutes for consideration.

* * * * * * * * * * * * * * *

II. New Business:

A. Announcement Regarding Closure of Runway 8-26

Jim Howell, Interim Public Works Director. Have been with the City approximately 5 weeks. Have spent some time reviewing the runway closure and will proceed in reading a prepared announcement.

The closure of runway 8-26 has been planned for the last 26 years according to the records I have reviewed.

In 1993 the Madera Municipal Airport Master Plan filed with the FAA stated that runway 8-26 would be closed within 20 years. The planned abandonment of runway 8-26 can also be found in the City and County planning documents the Madera County Land Use Compatibility Plan dated 2015 and secondly, the Airport Layout Plan Update dated 2016 and lastly, the Madera Municipal Airport Layout Plan dated 2017.

Each of these planning documents were submitted and filed as required by the FAA.

So, therefore, as Director of Public Works, it is my responsibility to execute the declarations in each of these plans that runway 8-26 be closed in 2019.

Jim Howell, Interim Director of Public Works
City of Madera

Jim Howell: the runway closure requires a 60-day notice to be filed with the FAA. With it now being December 2019, the City will be filing the application with the FAA to close runway 8-26 in calendar 2019 as time has run out for the actual closure to happen.

The City of Madera Public Works will be submitting the application today to FAA declaring the official closure of runway 8-26 effective February 23, 2020.

The City feels strongly that the airport is an asset and will continue to operate with one primary exclusive runway.

Thanked everyone for coming out to hear the announcement.

After further discussion by those present, the Public Works Director closed the discussion restating that the application will be filed by the close of business declaring the official closure of runway 8-26 with an effective date of February 23, 2020.

III. Old Business:

A. Commissioners reports/comments

Jerry Holiday:

1. asked if the Commissioners could be provided a list that consists of the last few months to find out who is paying and who are not paying on a regular basis for their hangar rentals. A list was provided to Mary.
2. Asked about asking possibility the Parks Department to assist while one of the airport staff is out or to fill the spot.

Mary Church:

1. Waiting to hear back from people messages were left for to find out if that is information that can be shared. There may be confidentiality issues due to the hangars being under individual lease agreements.

   Just because a hangar doesn't have a lock on it or it is empty doesn't automatically mean that it is available for rent. An empty hangar doesn't mean that it available. If there are active leases the renters continue to pay per their lease agreement, they can keep the hangar.

   Right now, there are currently three T-hangars available and one storage unit. The plan is to lease them out during the month of December.

2. The person that will be out is full-time and due to his absence being medical related, the City cannot fill his position. The other full-time airport staff can run things for the short amount of time the other full-time staff will be out. If the need does arise, we do have a part-time seasonal airport position that can be filled to assist the full-time staff.

Nick Davis: talked about the sprinkler system where the trees are, and the shade trees are. Where is it in the process of getting the grass greener again.

Rounel Ochoa: Due to the sprinkler systems being turned off during the drought, an assessment needs to be done in order to make any necessary repairs to the system. Was working with Dave on that project and will resume when he returns. It will be completed before Spring.

Richard Gould requested that restaurant discussion be placed on the next agenda.

B. Schedule Date for Next Regular Meeting

Next regular meeting scheduled for Tuesday, January 14, 2020 at 8 a.m. to be held in the Madera Municipal Airport lounge.

IV. Adjournment

The meeting adjourned at 9:23 a.m.

Exhibit V:

Federal Aviation Administration Letter of Deactivation

Federal Aviation Administration
1000 Marina Boulevard, Suite 220
Brisbane, CA 94005-1835

May 18, 2020

TO:
CITY OF MADERA
205 WEST 4TH ST
MADERA, CA 93637
jhowell@madera.gov

NOTICE OF AIRPORT AIRSPACE ANALYSIS DETERMINATION
DEACTIVATE LANDING AREA
***** NO OBJECTION/NO OBJECTION WITH CONDITIONS *****

The Federal Aviation Administration(FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: *(See attached Table 1 for referenced case(s))*

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Airport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Airport Elevation (feet)
2020-AWP-146-NRA		MADERA MUNI	LAP ASN # 2019-WSA-93-LAP	MADERA, CA	36-59-11.43N	120-06-45.47W	256

Description: LAP ASN # 2019-WSA-93-LAP

We have completed an airspace analysis of the proposed deactivation of an airport. As studied, the location is approximately 3 nautical miles NW of MADERA, CA.

We have no objection to your request to de-activate RWY 08/26 .

We have requested the Office of Airports Headquarters to remove the Landing area from the National Airspace Database system. Please be advised, that there is a 56 day cycle in which the database is updated.

If you have any questions concerning this determination, please contact me at roger.lemons@faa.gov or at (650) 827-7603.

Sincerely,

Roger Lemons

Staff/Support

Signature Control No: 427390618-440209598

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

AIRPORT MASTER RECORD

PRINT DATE: 05/18/2020
AFD EFF
Form Approved OMB 2120-0015

> 1 ASSOC CITY: MADERA | 4 STATE: CA | LOC ID: MAE | FAA SITE NR: 01853.
> 2 AIRPORT NAME: MADERA MUNI | | 5 COUNTY: Madera
3 CBD TO AIRPORT (NM): 3 NW | 6 REGION/ADO: AWP/SFO | 7 SECT AERO CHT: SAN FRANCISCO

GENERAL

10 OWNERSHIP:	PU
> 11 OWNER:	CITY OF MADERA
> 12 ADDRESS:	205 WEST 4TH ST
	MADERA CA 93637
> 13 PHONE NR:	(559) 661-5466
> 14 MANAGER:	JIM HOWELL
> 15 ADDRESS:	4020 AVIATION DR
	MADERA CA 93637
> 16 PHONE NR:	559-661-3687
> 17 ATTENDANCE SCHEDULE:	
MONTHS DAYS HOURS	
18 AIRPORT USE:	Public
19 ARPT LAT:	36-59-11.4259N Estimated
20 ARPT LONG:	120-06-45.4684W
21 ARPT ELEV:	255.2 Surveyed
22 ACREAGE:	524
> 23 RIGHT TRAFFIC:	12,08
> 24 NON-COMM LANDING:	NO
25 NPIAS/FED AGREEMENTS:	NGRY
> 26 FAR 139 INDEX:	

SERVICES

70 FUEL:	
> 71 AIRFRAME RPRS:	MAJOR
> 72 PWR PLANT RPRS:	MAJOR
> 73 BOTTLE OXYGEN:	HIGH/LOW
> 74 BULK OXYGEN:	NONE
75 TSNT STORAGE:	
76 OTHER SERVICES:	

FACILITIES

> 80 ARPT BCN:	CG
> 81 ARPT LGT SKED:	SS-SR
> 82 UNICOM:	122.8
> 83 WIND INDICATOR:	Y-L
84 SEGMENTED CIRCLE:	Y
85 CONTROL TWR:	NO
86 FSS:	
87 FSS ON ARPT:	NO
88 FSS PHONE NR:	
89 TOLL FREE NR:	

BASED AIRCRAFT

90 SINGLE ENG:	62
91 MULTI ENG:	6
92 JET:	6
TOTAL:	74
93 HELICOPTERS:	3
94 GLIDERS:	0
95 MILITARY:	0
96 ULTRA-LIGHT:	0

OPERATIONS

100 AIR CARRIER:	0
102 AIR TAXI:	700
103 G A LOCAL:	37,870
104 G A ITNRNT:	12,280
105 MILITARY:	100
TOTAL:	50,950
OPERATIONS FOR 12 MONTHS ENDING	01/06/2020

RUNWAY DATA

> 30 RUNWAY IDENT:		12/30	08/26
> 31 LENGTH:		5545	3702
> 32 WIDTH:		150	150
> 33 SURF TYPE-COND:		ASPH-GOOD	ASPH-GOOD
> 34 SURF TREATMENT:			
35 GROSS WT:	SW	30.0	30.0
36 (IN THSDS)	DW	0.0	0.0
37	DTW	0.0	0.0
38	DDTW	0.0	0.0
> 39 PCN:			

LIGHTING/APCH AIDS

> 40 EDGE INTENSITY:	MED	
> 42 RWY MARK TYPE-COND:	GOOD / GOOD	GOOD / GOOD
> 43 VGSI:	P2L / P2L	/
44 THR CROSSING HGT:	34 / 34	0 / 0
45 VISUAL GLIDE ANGLE:	3.0 / 3.0	0.0 / 0.0
> 46 CNTRLN-TDZ:	- / -	- / -
> 47 RVR-RVV:	- / -	- / -
> 48 REIL:	Y / N	/
> 49 APCH LIGHTS:	/ MALSF	/

OBSTRUCTION DATA

50 FAR 77 CATEGORY:	C / C	A(V) / A(V)
> 51 DISPLACED THR:	0 / 0	0 / 0
> 52 CTLG OBSTN:	/	/
> 53 OBSTN MARKED/LGTD:	/	/
> 54 HGT ABOVE RWY END:	/	/
> 55 DIST FROM RWY END:	/	/
> 56 CNTRLN OFFSET:	/	/
57 OBSTN CLNC SLOPE:	/	/
58 CLOSE-IN OBSTN:	/	Y /

DECLARED DISTANCE

> 60 TAKE OFF RUN AVBL (TORA):	0 / 0	0 / 0
> 61 TAKE OFF DIST AVBL (TODA):	0 / 0	0 / 0
> 62 ACLT STOP DIST AVBL (ASDA):	0 / 0	0 / 0
> 63 LNDG DIST AVBL (LDA):	0 / 0	0 / 0

(>) ARPT MGR PLEASE ADVISE FSS IN ITEM 86 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >

111 INSPECTOR: ( ) 112 LAST INSP: 113 LAST INFO REQ:

Exhibit W:

December 10, 2020, Airport Advisory Commission (AAC) Meeting

City of Madera
Airport Advisory Commission
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637

REGULAR MEETING
December 10, 2020
10:00 a.m.

AGENDA

This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter Meeting ID: 944 7139 0665# followed by *9 on your phone to speak. Comments will also be accepted via email at agonzales1@madera.gov or by regular mail at 1030 South Gateway Drive, Madera, CA 93637.

I. Opening Procedures:

A. Call to Order
B. Roll Call
C. Public Comment:

The first fifteen minutes of the meeting are reserved for members of the public to address the Committee on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Committee. Speakers shall be limited to five (5) minutes, and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Committee on items on the Agenda should notify the Chair when that Agenda item is called. The Committee is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Committee does not respond to public comment at this time.

D. Approval of Minutes:

- September 24, 2019 - Special
- November 12, 2019 - Regular
- December 3, 2019 - Special
- January 14,2020 - Regular

II. New Business:

A. Introductions:
- New Airport Advisory Commission Member
  - ✓ Michael Pistoresi
- New Interim Public Works Director
- Airport Advisory Commission Appointments
  - ✓ Possible changes due to recent election results

B. 2020 Airport Items & Council Items
- 03/05
  - FAA Grants
  - Reinard Brandley Agreement
  - AAC Appointment
- 05/20
  - CARES Grant
  - Porsche Club Renewal
- 06/01

- AMCG CAT I
- 07/01
  - Rent Study
- 07/15
  - Lease Agreement-Dave Woods
- 08/19
  - Storm Drain Grant
- 09/16
  - AMCG CAT II
- 11/18
  - Task Order-Reinard Brandley
- 12/16
  - Antennae Lease
  - Runway Markup
- Informational Report on Fiscal year 2020/2021 Airport Budget
- Informational Report on 2020 Airport Capital Improvement Program (ACIP)

III. Old Business:

A. Update Report on Hangar Vacancies and Hangar Wait-list
B. Update on Runway 8-26 Closure
C. Commissioners reports/comment
D. Schedule Date for Next Regular Meeting

IV. Adjournment

- *The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.*

- *Any writing related to an agenda item for the open session of this meeting distributed to the Airport Advisory Commission less than 72 hours before this meeting is available for inspection at the Madera Municipal Airport, 559-661-3687, 4020 Aviation Dr., Madera, California 93637 during normal business hours.*

I, Marylin Hall-Zunino, Administrative Assistant for the City of Madera, Public Works Department, declare under penalty of perjury that I posted the above Airport Advisory Commission Agenda for the Regular Meeting of December 10, 2020 on December 3, 2020.

MARYLIN HALL-ZUNINO, Administrative Assistant

City of Madera
AIRPORT ADVISORY COMMISSION
Madera Municipal Airport Administration Building
4020 Aviation Drive, Madera, CA 93637

This meeting was be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter Meeting ID: 944 7139 0665# followed by *9 on your phone to speak. Comments will also be accepted via email at agonzales1@madera.gov or by regular mail at 1030 South Gateway Drive, Madera, CA 93637.

Interim Public Works Director Daniel Foss called the regular meeting of the Airport Advisory Commission to order at 10:02 a.m. on Thursday, December 10, 2020.

I. Opening Procedures:

A. Call to Order

Daniel Foss briefly introduced himself to the AAC members present. He provided his cell number so the Commissioners would be able to contact him directly if needed.

B. Roll Call

MEMBERS Present: Richard Gould, Vice Chair
Jerry Holiday
Richard Broadhead

STAFF Present:

Interim Public Works Director	Daniel Foss
Administrative Analyst	Adam Gonzales
Recording Secretary/Administrative Assistant	Marylin Hall-Zunino
Airport Staff	David Russell

EXCUSED: Michael Pistoresi

MEMBERS Absent: Donald Horal, Chair
Felipe Grimaldo Jimenez
Issa Zacharia

GUESTS: None.

After the completion of roll call, it was determined that a quorum was not present to proceed with the meeting.

IV. Adjournment

The meeting adjourned at 8:10 a.m.

Exhibit X:

December 16, 2020, Madera City Council Meeting Agenda

CLICK ON ITEM NUMBER TO VIEW REPORT

Regular Meeting of the Madera City Council

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Wednesday, December 16, 2020 **Council Chambers**
6:00 p.m. **City Hall**

This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. The City Council meeting will be live streamed on the City's website. Members of the public may participate in the meeting remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 978 7265 7853# followed by *9 on your phone to speak. Comments will also be accepted via email at citycouncilpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL: Mayor Santos Garcia
Mayor Pro Tem Artemio Villegas, District 6
Councilmember Cece Gallegos, District 1
Councilmember Jose Rodriguez, District 2
Councilmember Steve Montes, District 3
Councilmember Anita Evans, District 4
Vacant, District 5

INVOCATION: Rev. Sammie Neely, Mt. Zion Missionary Baptist

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

PUBLIC COMMENT:
The first 15 minutes of the meeting are reserved for members of the public to address the Council on items which are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Mayor has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Council is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Council does not respond to public comment at this time.

WRITTEN COMMUNICATIONS: None

PRESENTATIONS:

1. Department of Public Health Update on COVID-19 (Report by Madera County Public Health Department)
2. Proclamation Recognizing December as General Aviation Appreciation Month
3. Proclamation Recognizing Battalion Chief James Forga for 39 Years of CAL FIRE Service and Service to the City of Madera Fire Department

INTRODUCTIONS: None

A. WORKSHOP: None

B. CONSENT CALENDAR:

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the public or a member of the Council may request an item be removed from the Consent Calendar and it will be considered separately.

B-1 Informational Report on Register of Audited Demands for November 21, 2020 to December 4, 2020.

Recommendation: No Action Required (Report by Roger Sanchez)

B-2 Informational Report on Personnel Activity

Recommendation: No Action Required (Report by Wendy Silva)

B-3 Antenna and Equipment Space Lease Renewal at the Madera Municipal Airport

Recommendation: Adopt a Resolution Approving the Antenna and Equipment Space Lease Renewal with the Federal Aviation Administration at the Madera Municipal Airport (Report by Daniel Foss)

B-4 Madera Metro Public Transportation Agency Safety Plan

Recommendation: Adopt a Resolution Adopting the Madera Metro Public Transportation Agency Safety Plan (Report by Ivette Iraheta)

B-5 Acceptance of Off-Site Improvements Associated with the Love's Travel Stops and Country Stores for the Madera Travel Center Project

Recommendation: Adopt a Resolution Accepting Improvements Required to be Installed in Connection with the Madera Travel Center Project per the terms of the Development Agreement between the City, Lisa M. Guzman, Trustee of the Bypass Trust Under the Guzman Living Trust Dated May 13, 2013 and Love's Travel Stops and Country Stores, Inc. (Report by Keith Helmuth)

B-6 Extension of Streambed Alteration Agreement

Recommendation: Approve a Minute Order Authorizing the City Engineer to Request Extension and Execute Streambed Alteration Agreement with California Fish and Wildlife (CDFW) Relating to Routine Maintenance of City-owned Bridges (Report by Keith Helmuth)

C. PUBLIC HEARINGS: None

D. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:

D-1 Proposition 68 Per Capita Grant Funds

Recommendation: Adopt a Resolution Approving the Program Application(s) for Proposition 68 Per Capita Grant Funds (Report by John Scarborough)

D-2 Gateway Drive-Central Ave-3rd Street-E Street Sidewalk Improvements Project, Federal Project No. CML-5157(095), City Project No. R-38

Recommendation: Adopt a Resolution Approving the Contract Award for Gateway Drive-Central Ave-3rd Street-E Street Sidewalk Improvements Project, Federal Project No. CML-5157(095), City Project No. R-38, in the amount of $383,857.00 to Witbro, Inc. dba Seal Rite Paving and Grading (Report by Keith Helmuth)

D-3 Madera Municipal Airport Runway 8-26 Runway Closure Markings

Recommendation: Adopt a Resolution Approving an Agreement with Anderson Striping and Construction, Inc. relating to the Madera Municipal Airport Runway 8-26 Closure Markings (Report by Daniel Foss)

D-4 Amendment No. 1 to the Agreement with Stantec Consulting Services, Inc. to Update the Waste Discharge Permit for the City's Wastewater Treatment Plant

Recommendation: Adopt a Resolution Approving Contract Amendment No. 1 for Professional Engineering Services to Update the Waste Discharge Permit for the Wastewater Treatment Plant in the amount of $157,000 (Report by Daniel Foss)

D-5 Submittal of Local Early Action Planning Grants Program (LEAP) Grant Application in the Amount of $300,000

Recommendation: Adopt a Resolution Authorizing for, and receipt of, Local Government Planning Support Grant Program Funds (Report by Gary Conte)

D-6 Appointing a Third Councilmember to the City's Cannabis Ad-Hoc Committee

Recommendation: Approve a Minute Order Appointing a Third Councilmember to Serve on the Cannabis Ad-Hoc Committee (Report by Arnoldo Rodriguez)

E. ADMINISTRATIVE REPORTS:

E-1 Discussion on Savings Achieved by Refinancing the City's 2006 California Infrastructure and Economic Development Bank (CIEDB) Wastewater Loan in the amount of $6,497,000, with a Potential Annual Savings of $23,000 to the Sewer Enterprise Fund

Recommendation: Deliberation and Direction Given from Council (Report by Roger Sanchez)

E-2 Seek Direction Regarding the 2021 Regular City Council Meeting Schedule

Recommendation: Deliberation and Direction Given from Council (Report by Arnoldo Rodriguez)

E-3 **Discussion on Status and Action Taken on Measures to Mitigate the Impacts of the COVID-19 (Coronavirus) Pandemic**

Recommendation: Deliberation and Direction Given from Council (Report by Arnoldo Rodriguez)

F. COUNCILMEMBER REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS:

This portion of the meeting is reserved for the Mayor and Councilmembers (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items., and (iv) to take action on matters initiated under this section of the agenda. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.

G. CLOSED SESSION:

G-1 Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4)
One Case: City of Madera v. High Speed Rail Authority

G-2 Conference with Legal Counsel – Anticipated Litigation
Initiation of Litigation Pursuant to Government Code Section 54956.9 (d)(4)
One Case

ADJOURNMENT: – Next regular meeting on January 6, 2021

- Please silence or turn off cell phones and electronic devices while the meeting is in session.
- Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
- Any writing related to an agenda item for the open session of this meeting distributed to the City Council less than 72 hours before this meeting is available for inspection at the City of Madera Office of the City Clerk, 205 W. 4th Street, Madera, California 93637 during normal business hours.
- The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Request for additional accommodations for the disabled, signers, assistive listening devices, or translators needed to assist participation in this public meeting should be made at least seventy-two (72) hours prior to the meeting. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service.
- Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's office at (559) 661-5405.
- Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.

I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Regular Meeting of the Madera City Council for December 16, 2020 near the front entrances of City Hall and on the City's website www.madera.gov at 2:30 p.m. on December 11, 2020.

Alicia Gonzales, City Clerk

Attachment 2:

Madera County Grand Jury Final Report 1920-06

RECEIVED
OFFICE OF THE CITY CLERK

DEC 21 2020

BY

Madera County Grand Jury

P. O. Box 534, Madera, CA 93639
Tel. 559-662-0946
FAX 559-662-0848
info@maderagrandjury.org

December 21, 2020

Madera City Council

205 W. Fourth Street

Madera, CA 93637

RE: Madera County and City of Madera: Public Servants or Self Serving
Report Date: December 21, 2020

Dear City Council:

Enclosed please find a copy of the above report by the Madera County Grand Jury.

Attached is a copy of excerpts from Penal Code sections 933 and 933.05. Please note that subdivision (f) of Penal Code section 933.05 specifically prohibits any disclosure of the contents of a grand jury report by a public agency or its officers or governing body prior to its release to the public, which will occur three days after the date of this letter.

Penal Code section 933.05 requires that you respond separately to specified Findings and Recommendations contained in the report. Subdivisions (a) and (b) of Penal Code section 933.05 mandate the content and format of responses. Penal Code section 933 mandates the deadline for responses.

You required to submit your response within 60 days as follows:

Send a hard copy to: Judge Michael Jurkovich
Madera County Supervising Judge
300 South G Street
Madera, CA 93637

Please also send a hard copy or electronic copy of your response to:
Foreperson, Madera County Grand Jury, PO Box 534, Madera, CA 93637

Responses are public records. The clerk must maintain a copy of your response.
Should you have any questions, please contact me at the above address.

Sincerely,

Nina Zarucchi-Mize
Foreperson, Madera County Grand Jury

Enclosures: Penal Code sections 933 and 933.05 (excerpts)

§ 933. Findings and Recommendations (Excerpt)

No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices.....

As used in this section "agency" includes a department.

§ 933.05. Responses to Findings (Excerpt)

(a) For purposes of subdivision (b) of Section 933, as to **each** grand jury **finding**, the responding person or entity shall indicate one of the following:
   (1) The respondent agrees with the finding.
   (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to **each** grand jury **recommendation**, the responding person or entity shall report one of the following actions:
   (1) The recommendation has been implemented, with a summary regarding the implemented action.
   (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
   (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
   (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the Final Report.

Madera County and City of Madera Government
Public Servants or Self Serving

Madera County Grand Jury
Report 1920-06
December 21, 2020

OVERVIEW:

The Madera County Board of Supervisors (BOS) serves as the legislative and executive governing body of Madera County government. The Board of Supervisors is made up of five elected officials from five supervisorial and geographical districts in the County. Within the limits prescribed by State law, the Board enacts ordinances and rules, determines County policy, supervises the activities of County departments, adopts an annual budget, and negotiates and approves salaries.
The Madera City Council, a board of seven, is the elected legislative body of the City of Madera. Members of the City Council are elected by district, and the Mayor is elected at large. There are six (6) Council districts. Members of the City Council, including the Mayor, serve four-year terms. According to the National Association of Counties' Code of Ethics, the code requires that the duty and responsibilities to the communities remain unbiased, are fair and open to the public, and receive community input.
The self-serving practices of the City of Madera and County of Madera governments have repeatedly ignored the rights, voices, and the needs of the constituency. As elected officials, their duty is to serve the residents of Madera County and the City of Madera honestly, openly, and purposefully.

In this 2019-2020 Grand Jury report, the Madera County Grand Jury (MCGJ) addresses the following complaints.

- **Part I: Madera County Administrative Officer (CAO) Management Practices**
- The rights of employees have been squelched and dismissed.
    - **The complaints were that Workplace Harassment issues were not addressed.**
- **Part II: Coarsegold Rezoning**
- The repeated requests of residences have been shoved to the side.
    - **The complaints were failure by the BOS to listen to impacted constituents.**
- **Part III: Madera Municipal Airport Closure of Runway 8-26**
- The needs of a long-valued and heralded agricultural industry are experiencing frequent incursions of urban expansion without prior notice.
    - **The complaints were that adequate Public Notice not provided in accordance with the Brown Act.**

PART I

Madera County Administrative Officer (Cao) Management Practices

The complaints were that Workplace Harassment issues were not addressed.

SUMMARY

During the last 10 years several workplace harassment complaints from Madera County employees have been reported to local news agencies and the Madera County Grand Jury (MCGJ). The 2012-2013 Madera County Grand Jury reported on these issues and they were not resolved by the Madera County Board of Supervisors or Human Resources Department. This

2019-2020 Madera County Grand Jury report further documents the ongoing and newly reported issues that occurred in the Chief Administrators Office (CAO) of Madera County.

GLOSSARY

BOS – Madera County Board of Supervisors
CAO – County Administrative Officer
MCGJ – Madera County Grand Jury
MCC – Madera City Council
Nonfeasance - The willful failure to execute or perform an act or duty required by one's position, office, or **law**, whereby that neglect results in harm or damage to a person or property

BACKGROUND

During the 2019-2020 year, the MCGJ received complaints which had previously been addressed in the *MCGJ Report of 2012-2013* regarding misconduct by the County Administrative Officer (CAO). The response to the 2012-2013 report by BOS dismissed the findings of the MCGJ and denied the existence of any problems. Therefore, the MCGJ was prompted to revisit the 2012-2013 issues expecting that progress in resolving workplace harassment issues would have been made. After reviewing the new complaints, the MCGJ was appalled that these serious issues regarding the office of the CAO persisted.

METHODOLOGY

Interviewed:

- Complainants
- County Staff
- Elected Officials

Documents:

- Resignation and Agreement Release, Madera County Contract #11539-19 dated 12/13/2019
- Resolution No. 2016-284 "Policy and Guidelines on Discrimination and Harassment" adopted by the Madera County Board of Supervisors October 18, 2016
- Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment" adopted by Madera County Board of Supervisors August 20, 2019
- The National Association of Counties'(NACo) www.NACo.org
  Board of Supervisors Meetings:
- Board of Supervisors meeting 10/1/2019. Reorganization of Human Resources Department.
- http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True
- Board of Supervisors meeting on 12/10/2019 – Public Comment
- Board of Supervisors meeting on 01/14/2020 – Public Comment

- Madera County Board of Supervisors Meeting 2/4/2020. Selection of new Director of Human Resources.
- http://maderacountyca.iqm2.com/Citizens/FileOpen.aspx?Type=14&ID=2611&Inline=True
- Reviewed locally published newspaper articles regarding ongoing CAO issues [1]

DISCUSSION

The 2012/2013 Madera County Grand Jury wrote a report that cited the same workplace harassment issues within the CAO office that are contained within the 2019 complaints. The 2012/2013 report cited.

1. The CAO creates a hostile work environment by:
   a. bullying, intimidating and threatening subordinates.
   b. demonstrating retaliation, resentment, and secrecy.
   c. sending threatening and intimating emails and letters to department heads;
   d. using inappropriate and profane language in an angry email to department heads;
   e. engaging in angry, verbal tirades in the presence of others.
2. The CAO plays favorites with certain employees.
3. The CAO uses divisive tactics by pitting department heads against one another.

The 2019-20 MCGJ upon investigation and interviewing current complainants cited the workplace harassment issues have been allowed to continue for the last 10 years without any intervention by the BOS or Madera County Human Resources.

As a result of a second public complaint, MCGJ initiated investigations into continued abusive behavior within the County workplace. The MCGJ researched the topic using internet search resources and reviewed Madera County Policies and Guidelines on Discrimination and Harassment related to workplace behavior. The MCGJ interviewed past and current county employees who were targets of, or witnesses to, abusive behavior. The MCGJ found that abuse continued to occur in County government and that the County has not enforced the adopted policies in place to protect employees. Employees have escaped from abusive behavior by severing their County employment or just simply "flying under the radar".

These harassed employees did not file complaints of abusive behavior because they perceived they could not get a fair and impartial investigation into their complaints. This was largely because the Human Resources Department reported directly to The Office of the CAO.

Affected County employees relayed that if any employees filed complaints, such action would most likely put their jobs in jeopardy. A particularly disturbing report in the May 27, 2014 Big Valley News Room an employee who was harassed by the CAO filed for workman's compensation. The employee accepted a $10,000 settlement. The employee, accepting the payout could never again work for or apply for a position with Madera County Government.[2] In March of 2014 another separate hostile work environment claim was filed with the California

[1] Refer to Bibliography
[2] 5/27/2014 Big Valley News/New Hostile Work Environment Claim Against Madera County

Fair Labor and Housing Office in Fresno. At this point the Madera County Counsel's office requested an outside investigation be conducted by Bickmore Risk Services. The MCGJ requested, via a public records request, a copy of this report. MCGJ was advised that no such report existed.

On December 10, 2019, the MCGJ attended the BOS meeting and witnessed an Elected Official addressing the BOS on the recurring workplace actions of CAO. The speaker addressed the BOS adopted policy violations and was speaking not only as an individual but for other county employees, who feared speaking out against the CAO's harassment. The speaker stated that the BOS "turned a blind eye".

At the October 1, 2019 meeting, BOS authorized the reorganization of the Department of County Administration and created the Department of Human Resources. A new Director of Human Resources with the new reorganization, was selected and hired at the February 4, 2020 BOS Meeting. The new Director of Human Resources reports directly to the BOS.

The MCGJ reviewed the BOS updated Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment" adopted August 20, 2019 and found no change in the guidelines for handling complaints by county employees. The complaint process is as follows: *"The employee complaining about a co-worker or a supervisor/manager shall submit a complaint in writing to his or her department head, with a copy to the Deputy CAO-Human Resources Operations (Deputy CAO), who will notify and provide a copy of the complaint to County Counsel"*. If any employee is complaining about a Department Head, the complaint goes to the Clerk of the Board of Supervisors who then distributes copies to the Deputy CAO-Human Services.

The MCGJ expressed the continued lack of action by the BOS, allowing the former CAO to continue the same inappropriate behavior. The BOS was aware of these workplace harassment issues since 2012 and did nothing to correct such abusive behavior.

The CAO's bullying and intimidation of County employees and department heads continued until the CAO's resignation December 13, 2019. The CAO's selective enforcement of policies, the use of Annual Evaluations as a punitive tool and the continued violation of written Policy and Procedure protocols were construed by County employees as acceptable behavior sanctioned by the BOS. The MCGJ assigns responsibility entirely on the BOS in failing to recognize, address and correct the actions of; bullying, intimidating and threating activities in a timely manner. The BOS's response to the issues cited in the 2012-2013 report, stated the findings in the MCGJ report "are not supported by the record" and that all recommendations by the MCGJ "will not be implemented". Therefore, the BOS did not correct the issues revealed in the 2012-2013 report.

The delay in replacing the former CAO cost the county far too much in taxpayer money, in addition setting the county up for future litigation by employees who were previously reluctant to take any legal actions against the county.

The annual salary of $306,000 for this CAO was not justified.

On September 22, 2015, The ABC News headline read *Madera County's top administrator is getting a pay raise.* The report stated *Staff* (County) *proposed a raise from $183 thousand a year to $214 thousand.* Though this decision was defended by the county taxpayers disagreed.
In one article *a Chowchilla resident said, "a raise of the proposed amount at this time is excessive, completely unfair, and it sends the wrong message to the constituents."*
A Madera resident said, "*Let's take care of the employees because you guys keep slapping the employees in the face, saying they're not worthy".*
On September 29, 2015, the Chowchilla News printed an article titled *Madera County official receives controversial pay bump.* The article stated *Madera County CAO was recently granted a more than $31,000 salary increase, causing some to question why he's being given a raise before rank-and-file employees*

In addition, the severance pay of $113,168.34 is called into question. Despite the resignation of the CAO a severance package was paid out. Madera County Contract No. 11539-19, Resignation Agreement and Release signed by the CAO and Chairman for the BOS on December 13, 2019 states the following:
Recital:
Section B. An employment issue has arisen between the CAO and the County, and CAO now desires to voluntarily resign from his employment with the County, and the County desires to accept CAO's immediate resignation, upon the terms and conditions set forth in this Agreement.
Agreement:
Section 2. Resignation. By execution of the Agreement, CAO voluntarily resigns his employment with the County effective at the close of business on December 13, 2019, which resignation is hereby accepted by County. CAO's resignation is irrevocable. CAO agrees he shall have no right to future employment with the County.
Section 3. Severance Payment: Benefits: Leave Payment. In consideration of CAO's immediate resignation and the releases set forth in the Agreement, County agrees to pay CAO the sum of $113,168.34, less all required taxes and deductions and voluntary deductions....

FINDINGS

F1. The MCGJ finds that the Board of Supervisors committed nonfeasance by not taking appropriate action on a timely basis on the ongoing workplace harassment complaints and issues.
F2. The MCGJ finds that the CAO's $306,000 salary is excessive commensurate to the size of the County population and budget.
F3. The MCGJ finds that the CAO's severance of $113,168.34 was paid by county taxpayers.
F4. The MCGJ finds that the Board of Supervisors negligent in failing to address the ten years of harassment thus allowing the unhealthy work environment to persist.

RECOMMENDATIONS

R1. The MCGJ recommends that the Board of Supervisors immediately address, review, and curtail all abuses of power in the county workplace by working with the County Human Resources Director to ensure that adopted Policies and Procedure protocols are enforced.

R2. The MCGJ recommends that the County Director of Human Resources immediately conduct compensation research and salary review for the CAO position as it relates to counties and budgets similar in size to Madera County.

R3. The MCGJ recommends that the Board of Supervisors immediately document and provide a rationale for the severance package and payout made to the CAO.

R4. The MCGJ recommends that immediately changes are made to Resolution No. 2019-128 "Policy and Guidelines on Discrimination and Harassment," adopted by Madera County Board of Supervisors August 20, 2019, to enable employees to report issues to the Human Resources Department without fear of retribution or retaliation.

PART II
Coarsegold Rezoning

The complaints were failure by the BOS to listen to impacted constituents.

SUMMARY

The Madera County Grand Jury (MCGJ) responded to complaints regarding the ongoing request to rezone a Coarsegold neighborhood from residential rural to light industrial. Residents of the area in question presented to the Board of Supervisors' objections to this rezone, provided a signed petition by all neighbors and continue to oppose this rezoning. This issue has come before the Board of Supervisors and County Planning Department numerous times beginning in 2002 and continuing through 2018.

GLOSSARY

BOS – Madera County Board of Supervisors
CEQA - California Environmental Quality Act was enacted in 1970 and requires that all known environmental effects of a project be analyzed, including environmental noise impacts
EIR – Environmental Impact Report
MCGJ – Madera County Grand Jury

BACKGROUND

Over the past 17 years, a property owner in the Meadow Springs Ranch neighborhood has repeatedly requested the rezoning of a 30-acre parcel from Residential Mountain Single Family (RMS) to Industrial, Urban or Rural, Light LI. The request also included an amendment to the General Plan and Coarsegold Area Plan designations from Rural Residential (RR) to Light Industrial (LI). The property is located on the West Side of Highway 41, between Veater Ranch Road and Stone Creek Drive. The parcel was split into two lots in 2014 (APN #054-090-095 and APN #095-090-096) and is surrounded entirely by residential homes. A petition signed on June 12, 2018 by 121 residents, has continually opposed the rezoning citing noise, traffic flow issues, and environmental impacts. Additionally, reviews completed and recommendations by the County Planning Department, Cal Trans, and the Regional Water Control Board also recommended denial of this rezoning and filed a negative environmental impact report. This

report addresses the ongoing requests and opposition presented to the Board of Supervisors by the various agencies and concerned property owners.

METHODOLOGY

Interviewed:

- Complainants

Meetings

- Board of Supervisors Meeting August 21, 2018 – Public Hearing for Re-zoning
- Madera County Planning Commission June 5, 2018 – Regular Meeting
- Board of Supervisors Meeting June 22, 2009 - Board of Supervisors Special Meeting
- Board of Supervisors Meeting August 21, 2008 – Board of Supervisors Meeting

Documents

- Referenced Madera County General Plan GP #2016-004
- Environmental Impact Report – Sierra Meadows Estates Subdivision, May 2005
- Reviewed Coarsegold Area Plan Adopted October 10, 2006
- Reviewed Coarsegold Municipal Services Review Adopted March 28, 2017
- PRJ# 2016-006, CZ# 2016-011, GP# 2016-004, APN# 054-090-096, CEQA MND #2016-24, June 5, 2018
- Petition to Oppose Rezoning June 12, 2018
- Reviewed Proposal of Opposition to PRJ #2016-004 Presentation presented to Board of Supervisors August 21, 2018
- Referenced Resolution 4329 Denied Rezone August 21, 2018 Public Hearing

DISCUSSION

The BOS demonstrated favoritism to certain property owners, while ignoring the voices of a large group of concerned residents and regulatory agencies. The property owner requesting the rezoning in 2002, 2005, 2009, 2014, 2017, and 2018 was denied each time. The BOS ignored the Planning Commission, Cal Trans and Regional Quality Control Water Boards denial of the rezoning request citing safety and environmental impacts. At a June 22, 2009 Special Meeting, a Planning Commission member was observed having a conversation with the requesting property owner. The Planning Commission member proceeded to the podium to speak during public comments to advocate for the requesting property owners rezoning request. A member of the BOS was observed to have signaled from the dais to the requesting property owner to have a private conversation in the lobby. After the lobby conversation the BOS member then returned to the dais requesting an immediate vote to return the project back to the Planning Commission **without** allowing the 35 opposing residents to speak. A former BOS witnessed the conversation between the property owner and the current BOS member. County Counsel intervened and addressed the BOS and public citing testimony that members of the Planning Commission had discussed the project outside the Public Hearing process. The hearing was deemed "tainted and compromised" and the rezoning request was denied. This blatant disregard by the BOS to follow the Public Hearing process further typifies the biased decisions being made in the county.

A public hearing is intended to obtain public testimony or comment prior to any decisions being made. Not all members of the public wishing to speak were heard.

The property owner requesting this rezoning proposal has been cited multiple times for code violations and has been notified of the rezoning denial. The following denotes the Planning Commission recommendation to deny the rezoning six times and the three code violations from 2002 through 2018. Only one code violation was rectified.

Resolution 4329 Denied Rezone Board of Supervisors Meeting August 21, 2018
The Planning Commission recommends to the Board of Supervisors that the general plan amendment and rezone be denied. However, should the Board of Supervisors vote to approve the general plan amendment and rezoning, it is recommended that the Board also approves all conditions of approvals, the mitigated negative declaration and the mitigation monitoring program as included.

Previous Relevant Board Actions on this Specific item:
***GP #2002-05 (proposed to amend the designation** from RR - Rural Residential - to HC - Heavy Commercial); and CZ #2002-07 (proposed to rezone from RMS - Rural Mountain Single Family - to PCD - Planned Commercial Development) was denied at the Planning Commission. (APN #054-090-021).*
***A Code Enforcement violation** (ZA #2003-0262) for grading and stockpiling material on site without benefit of permit was issued in 2003. (APN #054-090-021).*
***PRJ #2005-009 consisting of a rezone** from RMS (Residential, Mountain, Single Family) District to PCD (Planned Commercial Development), a General Plan Amendment from RR (Rural Residential) to HC (Heavy Commercial) Designation and an Area Plan Amendment from SF-2 ½ (Single Family - 2 ½ Acre) District to CG (Commercial General) District **was denied at the Planning Commission**, the Board of Supervisors referred it back to Staff, and was eventually withdrawn due to no further action by the applicant. (APN #054-090-021)*
***PRJ #2008-014 consisting of a rezone** from RMS (Residential, Mountain, Single Family) to PIP (Planned Industrial Park), a General Plan Amendment from RR (Rural Residential) Designation to LI (Light Industrial) Designation, and an Area Plan Amendment was heard by the Planning Commission on **April 7, 2009 and denied by a 5-0 vote. The Board of Supervisors heard the item on June 22, 2009, and denied the project by 5-0 vote.** (APN #054-090-021).*
***A Notice of Violation was issued by the Regional Water Quality Control Board** for grading without adequate erosion control best management practices in place on May 5, 2010. (APN #054-090-021).*
***A Code Enforcement violation (ZA #2013-0127) was issued for illegal construction**. (APN #054-090-021). This violation has been corrected.*

Project PRJ #2016-006 Description and Analysis:
The applicant is requesting to amend the Zoning, General Plan and Coarsegold Area Plan designation to a light industrial designation for the storage and maintenance of heavy equipment (i.e. pick-up trucks, dump trucks, equipment transport trucks, water trucks, loaders, dozers, backhoes, excavators, scrapers, rollers, compactors, pavers, and paving equipment), and for the storage of building materials, such as culvert pipe, pipe products, aggregate, conduit beams, catch basins, manholes, and small equipment such as welders and air compressors. The request is to change the zoning from RMS (Residential, Mountain, Single Family) to IL (Industrial, Urban or Rural, Light); to change the general plan designation from RR (Rural Residential) to LI (Light Industrial); and to change the Coarsegold Area Plan designation from RR (Rural Residential) to LI (Light Industrial Business Park).
The hours of operation of the site would be 5 days a week, 6:00 AM to 7:00 PM, twelve months a year. However, the applicant has indicated that he is under contract with CalFire and the Forest

Service (USFS). This would mean that there is a potential of equipment such as the bulldozers, water trucks and related vehicles will go in and out of the site at all hours of the day.

A full report provided to the BOS on June 5, 2018 by the Community and Economic Development Planning Commission and Environmental Impact Report (EIR) Assessment of the rezoning request. The report included an Environmental Impacts Study with input from County and State Agencies; Cal Trans, Madera County Planning Commission, Regional Water Quality Board and other Agencies. These agencies studied the impacts of noise (under the 1970 CEQA Act), traffic flow, water quality impacts, and noise issues.

The partial analysis results from the regulatory agencies reported the following impacts of this proposed rezoning:

Madera County Community and Economic Development Planning Division:
Planning Commission Staff PRJ #006-006 Report:

Access to the site is via Highway 41 directly across from Veater Ranch Road. At this time, there are no acceleration or deceleration lanes to accommodate the equipment getting up to or slowing down from highway speed. The topographic nature of Highway 41 in that area makes it difficult to judge when the next vehicle is coming, therefore for heavy equipment to get on to Highway 41 and attempt to get up to speed may pose safety issues. Highway 41 is considered an arterial roadway that currently meets or exceeds capacity. It was originally designed as a two lane highway with a capacity of approximately 2,100 vehicles per hour. There are areas of Highway 41 where the vehicle trips exceeds 2,200 vehicles per hour. With the hours of operation being from 6:00AM to 7:00 PM, there would be negative impacts to commute traffic with heavy equipment entering and leaving the site, causing congestion.

The subject parcel is surrounded predominately by residentially zoned parcels. Most of the residences in the area have a direct line of site to the parcel and can see when heavy equipment is parked on site. These residents have indicated that they can also hear the equipment when in operation. Across Highway 41 from the site at Veater Ranch Road is a school bus stop. There is the chance that heavy equipment could be leaving the site at or around the same time school children are waiting for pick-up, which could be a potential safety issue.

Cal Trans

The Coarsegold Area Plan has policies that seek to achieve a safe circulation system that accommodates the areas needs and is capable of handling its' current and future needs. Based on comments received from Caltrans, which referenced their comments on the 2008 project, this project would contribute negatively to the circulation patterns in the area. Caltrans commented on the project, and indicated that their current comments were similar to the previous projects on the parcel. Highway 41 in the area of the project is planned for a 4-lane highway with a 146 feet (73 feet measured from centerline) minimum right-of-way. The existing right-of-way within the project area varies between 85 to 160 feet. Therefore, additional right-of-way to the west will be needed for future planned highway. Encroachment permits must be obtained for all encroachment activities. Caltrans would further require left and right turn lanes to access the parcel so as to not impact traffic.

Water Quality Control Boards and other Agency comments

Coarsegold Creek is directly down slope from the project location. A drainage swale is indicated leading from the project site to the creek. Heavy equipment engines have a tendency, even if maintained properly, to drip oils, grease, lubricants, and anti-freeze on to the ground. During any precipitation event, these oils and greases and lubricants can flow straight to the creek. The applicant has also indicated the operation might include equipment maintenance.

This could lead to release of oils, grease, fuels and other materials detrimental to Coarsegold Creek.

The Regional Water Quality Control Board contacted Staff as a part of their response to the project. They had expressed some concern over the project. One of the main points they voiced was that the applicant had apparently been issued a Notice of Violation in 2010 regarding grading activities that had inadequate erosion and sediment control best management practices being implemented.

The project was circulated to County Departments and outside regulatory agencies for comments and conditions. This included the San Joaquin Valley Air Pollution Control District, Regional Water Quality Control, Department of Fish and Wildlife, Agricultural Commissioner, the Chowchilla Yokuts Tribe, Picayune Rancheria of Chuckchansi, Table Mountain Rancheria, the Coarsegold Area Plan Advisory Committee and Sheriff's Department.

The Picayune Rancheria of Chuckchansi responded with concerns on the project. Their concerns included cultural resources, noise issues, the new access point and the new well. They indicate that if the project were approved that an archaeological evaluation be conducted.

MCGJ observed video of the June 22, 2009 BOS meeting when impacted property owners made a clear case against the rezoning of this property and offered reasonable viable options for the property owner to explore. Attempts by the property owners and regulatory agencies to mitigate the request only led to rebuff and dismissal of solutions offered to the BOS. Ultimately, the matter was sent back to the County Planning Department for "further review." One BOS member called the public comments and proposal as **"mob rule."** The BOS voted against the rezoning five times and finally denied the request again at the August 21, 2018 following the Planning Department's repeated recommendations. The waste of taxpayer money and County and State resources to continually reconsider a rezoning proposal that has been denied a minimum of six times is excessive.

FINDINGS

F1. The MCGJ finds that the Board of Supervisors' behavior towards the public and the constituents is contrary to the National Association of Counties' Code of Ethics.

F2. The MCGJ finds that elected officials of the Board of Supervisors acted outside the Public Hearing process and may have violated the Brown Act.

F3. The MCGJ finds that the Board of Supervisors acted negligently by showing favoritism to the property owner requesting the rezoning and ignoring the recommendations of the regulatory agencies and aggrieved tax paying property owners.

RECOMMENDATIONS

R1. The MCGJ recommends that the Board of Supervisors immediately adhere to and comply with the National Association of Counties' Code of Ethics that states that well-functioning counties form the basis for the people's trust in government.
R2. The MCGJ recommends immediately that all Board of Supervisor members read and follow the Brown Act as required by law.
R3. The MCGJ recommends that immediately the Board of Supervisors make a final decision on this rezoning request and **close the request.**

PART III

Madera Municipal Airport

Part III. The needs of a long-valued and heralded agricultural industry are experiencing frequent incursions of urban expansion without prior notice.

The complaints were that adequate Public Notice was not provided in accordance with the Brown Act.

SUMMARY

The self-serving practices of the City of Madera and the County of Madera have repeatedly ignored the rights, voices, and the needs of the constituency. Along with issues addressing work-place harassment (Part 1) and repeated requests for rezoning (Part 2) contained in this overall report (Madera County and the City of Madera Government: Public Servant or Self-Serving), this investigation into the closure of Runway 8-26 (Part 3) further highlights the City of Madera and the County of Madera's self-promoting agendas rather than the interests of the residents of Madera County in an honest, open, and purposeful fashion.

Within the City of Madera and the County of Madera there has been much public interest and an outcry concerning the closure of Runway 8-26 at the Madera Municipal Airport. The topic of the closure of Runway 8-26 has been discussed in the Madera Tribune and during Madera City Council meetings. In addition to the public responses to the closure of Runway 8-26, the Madera County Grand Jury (MCGJ) received several citizen complaints regarding the closure of Runway 8-26.

In order to operate, every airport is required to submit to the Airport Land Use Commission (ALUC – "The Commission") their Master Plan ("Master Plan"). The Airport Land Use Compatibility Plan (ALUCP – "The Plan") was originally drafted for the Madera Municipal Airport in 1993. It is required by the Federal Aviation Administration (FAA) and State Aeronautical Act (SAA). The Plan utilizes composite compatibility zones. Four compatibility factors are considered: noise, safety, airspace protection, and overflight. The Commission was intended to promote compatibility between airport operators and surrounding land use. From this Master Plan of the airport, The Commission then completes The Plan. The Plan is approved by the FAA, not the County, City, or Airport Advisory Committee.

GLOSSARY

AAC: Airport Advisory Commission (appointed by the City of Madera)
ALP: Airport Layout Plan
ALUC: Airport Land Use Commission aka "The Commission (appointed by the County of Madera, includes two county representatives, two city representatives [Chowchilla and Madera] and one aeronautic expert/citizen appointee)
ALUCP: Airport Land Use Compatibility Plan aka "The Plan" (pertains to property surrounding the perimeter of the airport)
AMP: Airport Master Plan aka "Master Plan" (pertains to airport property)
FAA: Federal Aviation Administration (must approve actions taken by The Commission)
NOTAM: Notice To Airmen (reflects current conditions at the airport)
SAA: State Aeronautical Act
TAG: Technical Advisory Group, (working subcommittee of The Commission, comprised of city and county staff members, without an aeronautics expert)

BACKGROUND

The Madera Municipal Airport is a general aviation airport owned and operated by the City of Madera, situated on 524 acres on the northwest edge of the City of Madera, and is supervised by the Madera Public Works Department. It is self-supporting and does not receive any subsidies from the City of Madera. Revenues from the airport finance the cost of operations and maintenance with the surplus going into the Enterprise Airport Fund.

The Airport has two asphalt paved runways. The primary runway, Runway 12-30, is 5544 feet long and the secondary, agriculture runway, Runway 8-26, is 3702 feet long and is restricted to aerial agriculture application, crop dusters, only. There is no tower, and pilots follow FAA procedures.

The City of Madera Airport Advisory Commission is a City Council appointed body established to serve in an advisory capacity to the City Council and staff on matters concerning the airport. The Commission is tasked with reviewing the annual budget to prioritize capital projects as well as reviewing and recommending airport policies, operational procedures, and action regarding land use surrounding the airport. The Advisory Commission meets three times a year or more if needed.

The Airport Land Use Compatibility Plan (The Plan), required by the FAA and State Aeronautical Act (SAA), was originally drafted for the Madera Municipal Airport in 1993. It was intended to promote compatibility between airport operators and surrounding land uses. The Plan does not have authority over existing land uses or operations of the airport, nor does it propose future airport or land use development or physical environmental changes.

In 2015, the City of Madera requested an update of the original 1993 Master Plan and a committee was formed including City Planners. The outcome of the updated Master Plan

included closure of the Runway 8-26, and the construction of a large housing development. This Master Plan was presented to the public at a City Council meeting in August 2019 as a "done deal." As a result, much negative commentary from pilots and users of Runway 8-26 was voiced.

Since then, the MCGJ received complaints over the closure of Runway 8-26 and the loss to local agriculture of the crop dusting services necessary to maintain and grow the agricultural industry.

In the past, Runway 8-26 served as an agricultural runway for the purpose of crop dusting, and aerial application of fertilizers, and pesticides. Runway 8-26 has been considered a vital, centrally located agricultural runway for the purpose of crop dusting. Crop dusting is a general term for aerial application of products.
With the closure of the Runway 8-26 at the Madera Airport, crop dusters no longer have a "designated crop duster only"- runway with which to conduct business. Crop dusters will be required to use the main runway, which is used by all other private and public flights.

Changes to the airport and its operations are the purview of the City of Madera's Airport Layout Plan, not The Plan, as stated in the September 1, 2015 ALUCP Staff Report. According to the Staff Report, the City of Madera was "in process" of updating the Airport Layout Plan (ALP), therefore, it fell to the City of Madera to provide Public Notice concerning those changes. However, it was the position of the City of Madera planners that notice provided by the County of Madera was adequate. The MCGJ was not able to find any separate notices addressing the closure of Runway 8-26 made or posted by the County. Rather, the MCGJ was told the closure of Runway 8-26 was a "done deal."

The discussion surrounding the closure of Runway 8-26 dates back to 1993. The Plan is only for the areas surrounding the airport. The Plan does not address what the airport does on airport property if the airport does not violate past Airport Land Use Compatibility Plans. The Commission solely serves in an advisory capacity and cannot dictate the closure of a runway. According to the California Environmental Quality Act (CEQA):

> *The Madera Municipal Airport Land Use Compatibility Plan (ALUCP) will replace the existing plan adopted in by the Madera County Land Use Commission (ALUC) in 1993. The proposed ALUCP is included as Attachment to the Initial Study. Preparation of the ALUCP is intended to promote compatibility between airport operations and surrounding land uses considering noise, safety, airspace protection, and overflight effects. Neither the ALUCP nor the ALUC have authority over existing land uses, operation of the airport, or state, federal, or tribal lands. Nor does the ALUCP propose future airport or land use development, or physical changes to the environment. Based on the analysis performance, adoption, and implementation of the ALUCP will not create a significant effect on the environment.*
> *https://opr.ca.gov/2015071075*

METHODOLOGY

Interviews:

- City administrators and staff
- Airport Advisory Commission members

- Farm Bureau personnel
- Airport Land Use Commission members
- Airport personnel
- Impacted individuals, farmers, pilots, agricultural industry people

Document Investigations:

- Public meeting agendas and minutes
- Newspaper articles
- Public notices
- Federal, State, County, City land use documents
- Brown Act
- Government Codes
- Airport regulations, design, and management

DISCUSSION

During the MCGJ's investigation, and according to the Madera City Council, the unavailable Master Plan was cited as the original source for the decision to close Runway 8-26. However, repeated requests for a copy of the Master Plan went unheeded.

According to multiple sources, a broad public awareness of the 2015 Airport Land Use Compatibility Plan Update surfaced during the first week of June 2019 at an informal meeting with stakeholders and the City of Madera personnel. The updated plans included the closure of the Runway 8-26. Federal grant funding financed the maintenance of Runway 8-26. Without Federal grant funding, the City of Madera would not fund the maintenance of Runway 8-26. Consideration for continued funding required submission of a grant renewal application. Without a grant renewal application submission, funding terminated, maintenance was suspended, and the runway closed. FAA grants are available if requested. The MCGJ found no evidence that the City or County of Madera submitted any such request to continue receiving funding to maintain Runway 8-26. Repeated offers, by private entities, over many years, to negotiate an agreement to lease the property from the City of Madera were ignored.

A presentation was made during a Madera City Council meeting on August 21, 2019 where many citizens learned of the planned closure of Runway 8-26 and raised concerns. The presentation referred to the Airport Land Use Compatibility Plan Update from September 29, 2015. Citizens became aware of the problems the closure of the runway would present to crop dusters and the lack of information provided to the public. Heightened concerns from the public included the lack of adequate, detailed, and informative notice to those affected by the runway closure, the change in plans for the relocation of the construction site for the fire house, and airport safety. Concerned citizens have concluded that the veiled reasons for the closure of Runway 8-26 appears to be the desire of the City of Madera and County of Madera to develop the surrounding area, specifically "Village D." Village D is identified as "Village Reserve" in

The Plan, (Page 108, Section 5-3). Village Reserve is within the City of Madera's sphere of influence and is located immediately west of the Madera Municipal Golf Course, and immediately north and south of the Airport boundary. Negative commentary from pilots and users of Runway 8-26 was voiced during this meeting. The plan was presented to the public as a "done deal." The airport Runway 8-26 is identified on the Compatibility Policy Map as shown as C1.

Concerned citizens became aware of the 2015 Madera Countywide Airport Land Use Compatibility Plan (ALUCP) during June 2019. At this time, in June 2019, very few who regularly use Runway 8-26 had seen or were aware of The Plan, or how The Plan would affect those who use the airport. Pilots, farmers, and crop dusters became aware that the restricted agricultural Runway 8-26, would be closed with the upcoming plans for "Village D" property development.

For pilots, the FAA maintains a website where information is posted regarding changes in airport conditions. The airports are also required to maintain a record with all NOTAMS and maintain the records for 5 years. According to the FAA, a NOTAM is a notice to pilots,

> *"containing information (not known sufficiently in advance to publicize by other means) concerning the establishment, conditions, or change in any component (facility, service, or procedure of, or hazard in the National Airspace System) the timely knowledge of which is essential to personnel concerned with flight operations."*

NOTAMs do not include any proposed changes to airport facilities and availability. There is no evidence that a NOTAM was posted regarding the closure of Runway 8-26. NOTAM's do NOT serve as Public Notice. No record of the impending closure of Runway 8-26 was posted in a NOTAM until July 28, 2020, when the following NOTAM was posted:

NOTAM 07/003: Madera Municipal Airport (KMAE)

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!MAE 07/003 MAE RWY 08/26 CLSD 2007282056-PERM CREATED: 28 Jul
2020 20:56:00 SOURCE: KRIUYFYX)
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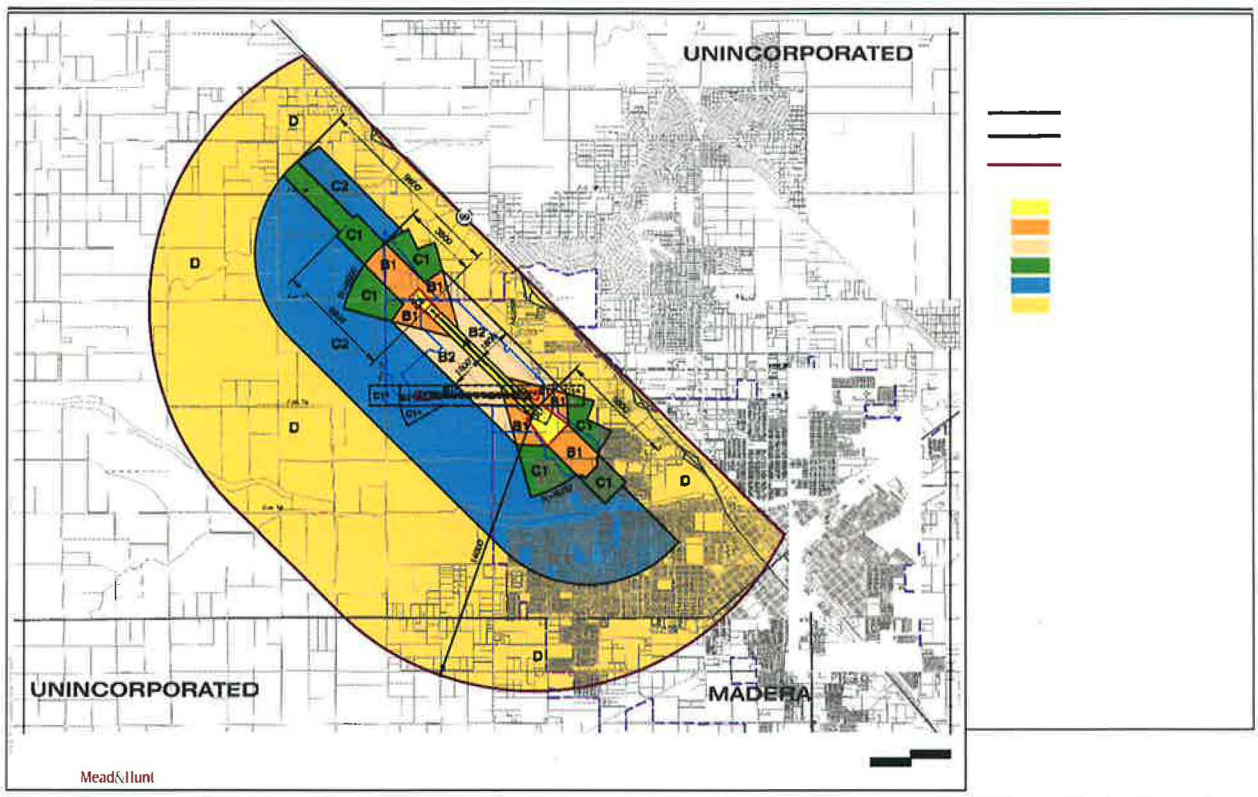
https://ourairports.com/airports/KMAE/notams.html

The development of Village D creates serious problems for the City of Madera Municipal Airport which includes the loss of the Runway 8-26, and the land development to the west and south of the airport that includes the proposed development of over 10, 000 homes, two elementary schools, and commercial buildings directly under the airport flight pattern. Citizens raised concerns regarding the long-term problems the City of Madera will face over safety, noise, airspace protection, and loss of agricultural generated income. Citizens questioned the lack of infrastructure needed to accommodate the 10,000 new homes. In addition, it appears that the effect on the agricultural community was not taken into consideration. These issues were included in the draft of the September 29, 2015 ALUCP Update, but concerned citizens were not made aware of these factors.

Compatibility Policy Map Madera Municipal Airport (C1)



The Plan map shows the land surrounding the Madera Airport features the Village D designation for future development. This is the area which is planned for 10,000 homes, two elementary schools, and commercial zoning. This is the area which lies directly under the over-flight patterns which raise safety, noise, and other annoyance concerns.

Change in location of the new Fire Station

A fire station was to be built on City of Madera- owned property across the street from the Madera County Sheriff-Coroner's Office. However, the City of Madera bought an additional and different parcel of land for $620,000 of taxpayer funds and has since constructed the Fire House #58 at the end of Runway 8-26.

Relocation of the fire station was made with the termination of the grant funding for maintenance and repair for Runway 8-26. The decision to relocate the site of the fire station came after no application was made for federal grant money. The issue is the fact that the City of Madera paid $620,000 for a piece of land at the end of Runway 8-26 when there was already a planned and identified location for the fire station. The decision to change the site of the fire station appears to be more aligned with the plan for the development of Village D. The MCGJ was unable to find the rationale used by the City of Madera to make the decision to incur additional expense acquiring land for a new location for the fire station.

Oddly, the new location for the fire station was identified to be placed at the end of the Runway 8-26. According to some of the pilots, the location of the fire station was an additional reason the City of Madera gave to close Runway 8-26. The potential loss of the runway protection zone was cited. A runway protection zone provides a safe over-fly space for aircraft landings and take-offs. However, according to the pilots who use Runway 8-26, the loss of the runway protection zone is an invalid claim because the runway is of sufficient length.

Runway 8-26 includes a runway protection zone beyond each end of the runway to the east and west. These runway protection zones are shorter in length as compared to the main Runway 12-30. By closing Runway 8-26, the runway protection zones disappear. However, according to local pilots, there are ways to keep the runway in use and maintain approach zones clear with proper planning. Because Runway 8-26 is used for agricultural purposes, the types of planes, which use Runway 8-26, fly at a lower elevation, at slower speeds, and do not need an extended runway protection zone for safe take offs and landings.

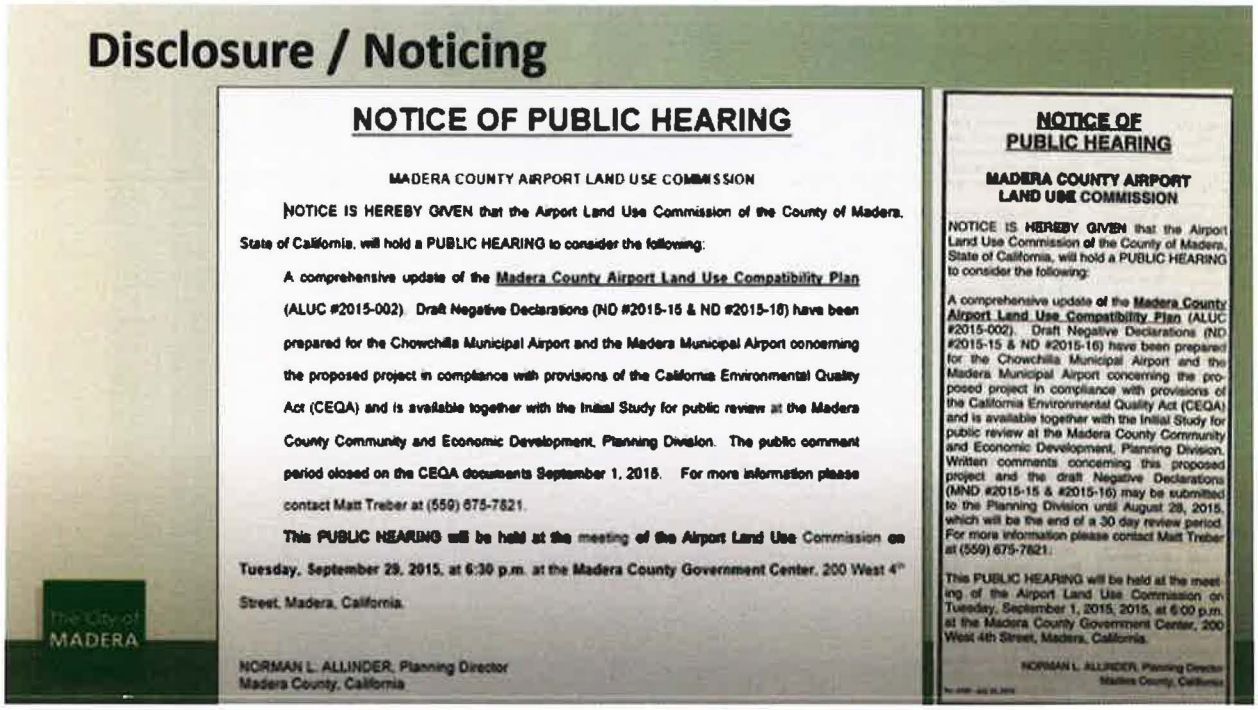
City and County's Agenda/Brown Act

Vocal citizens asserted their belief that the staff of the City of Madera and the County of Madera worked on their own agendas in a way which bypassed any oversight by the Madera City Council, Madera County Board of Supervisors, the Airport Advisory Commission (AAC), and the public including airport tenants and users.

During the course of investigation, MCGJ met with the City of Madera's planning department to gain a deeper understanding of the process employed with the decision to close Runway 8-26. The MCGJ was told by the Madera City Planning Department that adequate and compliant notice was given to the public in advance of making the decision to close the runway. While the MCGJ used a variety of comprehensive methodologies, including interviews, online searches at the City of Madera and County of Madera, other websites, and document requests, the only notices discovered were those used in a presentation on August 21, 2019 at a Madera County City Council meeting.

The Airport Plan adopted in the Plan Update, September 1, 2015, proposed future abandonment of Runway 8-26. According to the Plan Update Staff Report, the City of Madera was in the process of doing an update to the ALP. The MCGJ was told that it was Madera County's responsibility to provide notice of the Public Hearing for The Plan. The City of Madera failed to acknowledge their responsibility for providing Public Notice regarding updating the ALP. The MCGJ found no evidence of an adequate Public Notice which follows the requirements of the Brown Act.

Exhibit A



The Exhibit A is from the video recording of the August 21, 2019 City Council meeting at 25 minutes:16 seconds.

https://www.youtube.com/watch?v=NP_z_dUq2p8

There are two images on the slide. On the left side is the image of the Notice of a Public Hearing scheduled for Tuesday, September 29, 2015.

Exhibit A appears to have been posted, most likely at the Madera County Government Center, and not at the Airport. The notice relates to a Public Hearing scheduled for Tuesday, September 29, 2015, while the other notice on the right appears to have been published in a newspaper. This notice, dated July 30, 2015, was published. Both notices refer to the public hearings being held at the Madera County Government Center and were identified on the meeting agenda of The Commission, and the notices were issued by a representative of the Madera County Planning Department.

In the footnotes of the September 29, 2015 The Plan Update, pages 2-11, refers to Public Utilities Code Sec. 21675.2(d) and Government Code secs. 65090, 65091, and 65353 with regard to how notice is to be provided to the public, *Generally, notice must be sent to each affected property owner unless mailing of more 1,000 such notices would be required.*

Witnesses interviewed indicated that the number of affected property owners is far below 1000. Presumably, the same Public Utilities Code applied to the City of Madera's Public Notice requirements concerning the ALP.

Notice for the Plan Update Public Hearing does not adhere to the provision of the Brown Act regarding notice requirements. Government Code Sec. 54954.2 contains agenda requirements. Courts have interpreted the agenda description requirement as an "elastic standard." Analysis of the Brown Act recommends the following to ensure compliance:

- The description must give fair notice to the essential nature of the business to be considered.
- The public must be provided with more than just clues from which they must then guess or surmise the essential nature of the business to be considered.
- The agenda must not be confusing, misleading, or unfairly opaque.

Regarding the City of Madera's changes to the ALP, the MCGJ was not provided with, nor could find, either related Public Notice or an agenda. It is the City of Madera's position that the ALP notification was covered by the Committees' actions. If this is the case, it stands to reason that there are no public notices to view. This would then mean the public received no actual or implied notice of the intent to close Runway 8-26. The Commission's agenda for September 29, 2015 Public Hearing was insufficient as the only matter listed there under the category of "Public Hearing" was "County of Madera-Land Use Commission Compatibility Plan (ALUC #2015-002)." The notices do not specify any proposed actions, including but not limited to, the closure of Runway 8-26. It appears that the County of Madera staff relied on the City of Madera to provide specific Public Notice in accordance with the Brown Act stipulations stated above, and the City of Madera relied on the County of Madera and The Commission's staff to provide specific notice. As a result, no such notice was provided by any of the parties responsible for providing Public Notice that is clear, fair, and unambiguous.

The City of Madera claimed that adequate Public Notice was given and relied on the County of Madera Planning Department to fulfill that requirement of the Brown Act. There was no direct reference to the closure of Runway 8-26. Instead, both notices issued by the Planning Department provide a generic description of the Public Hearing as, "concerning the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA)." The notice to the right, relating to the September 1, 2015 hearing indicates that written comments must be submitted by August 28, 2015 to the Madera County Planning Department, not The Commission. The notice to the left on Exhibit A states that the "public comment period closed on the CEQA documents September 1, 2015." Neither notice informs the public that these meetings are about the closure of Runway 8-26, nor does the notice of the closure of Runway 8-26 appear clear, fair, unambiguous.

Despite multiple requests of involved parties, the MCGJ was unable to secure any documentation to support a claim by the Madera County Planning Department that the public was specifically notified of the intent to close Runway 8-26 at the end of the 2019 crop dusting season nor were any NOTAMs were posted at the airport.

While representatives of the Madera County Planning Department, City of Madera Planning Department, and The Commission may well believe that the notices met the "letter of the law," it is clear to the MCGJ that they did not meet the intent of the law, which was to provide clear and

unambiguous notice to the interested public who would be affected by the closure of Runway 8-26. In addition, the 30-day window within which public comment was allowed only exacerbated the public's inability to understand and respond to the notifications provided.

When The Plan was presented by the Madera County Planning Commission, no one with aviation experience was part of the Technical Advisory Group (TAG). Members of the TAG included representatives from the County of Madera's Planning Department, a representative of the Public Works division of the City of Chowchilla, and representatives of the City of Madera Public Works Department. According to the September 1, 2015 Staff Report (page 3), TAG members were, "charged with keeping their respective local jurisdictions informed of ALUCP (The Plan) Update process." No aviation experts were part of the TAG and no members of the City of Madera's Airport Advisory Committee had aviation experience or a connection to the aviation community. This lack of aviation expertise created a clouded vison for those who use the airport and the public at large.

The MCGJ could find no notice to or involvement of the City of Madera Airport Advisory Commission in the preparation of The Plan until August 26, 2015; one month prior to its adoption by The Commission. According to the minutes of the August 26, 2015 meeting of The Commission,

The Airport Land Use Commission has allowed additional time for the review of the ALUCP. This additional review time was requested by the City Madera and a few of the Airport Land Use Commissioners as it was believed that the County had failed to provide adequate time for stakeholder review. The City will continue to review the ALUCP and provide comments the consultant in a timely manner. The county is expected to adopt the ALUCP in late September.

The Board of Supervisors held a workshop on August 11, 2015, followed by the AAC meeting August 26, 2015, with the final adoption of The Plan coming on September 29, 2015. The fact that the AAC was given The Plan just one month prior to the adoption begs the question of how much effort was made by the City of Madera and The Commission to secure input or comments from the Madera AAC as well as the public at large.

FINDINGS:

F1. The MCGJ finds that the City of Madera and the County of Madera did not provide requested documentation.
F2. The MCGJ finds that the City of Madera and the County of Madera did not provide adequate Public Notice for the closure of Runway 8-26.
F3. The MCGJ finds that the City of Madera spent taxpayer's money to purchase additional acreage for a fire station.
F4. The MCGJ finds that to facilitate the closure of Runway 8-26 a renewal application for funding was not submitted.
F5. The MCGJ finds that private interests in leasing the airport facilities were repeatedly ignored.

RECOMMENDATIONS

R1. The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to requests for public documents when requested by the Madera County Grand Jury.
R2. The MCGJ recommends that immediately the City of Madera and the County of Madera adhere to the provisions of the Brown Act to provide clear, fair and unambiguous Public Notice.
R3. The MCGJ recommends that immediately the City of Madera and the County of Madera refrain from carelessly spending taxpayer money.
R4. The MCGJ recommends that immediately the City of Madera and the County of Madera maintain records and avail the city and county of renewable funding opportunities.
R5. The MCGJ recommends that immediately the City of Madera and the County of Madera entertain the financial investment interests of private entities.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the grand jury requests responses as follows:

From the following elected county officials within 60 days:

Madera County Board of Supervisors
200 West 4th Street
Madera, CA 93637

Mayor of Madera
205 W 4th St, Madera, CA 93637

Madera City Council
205 W 4th St, Madera, CA 93637

From the following governing bodies within 90 days:

I NVITED RESPONSES

Mr. Jay Varney
Chief Administrative Officer
Madera County Administrator Office
200 West 4th Street Madera, CA 93637

Ms. Elba Gomez
Director of Human Resources
Madera County Human Resources Department
200 West 4th Street Madera, CA 93637

Mr. Philip Toler
Director of Public Works
Madera County Planning Department

200 West 4th Street Madera, CA 93637

Mr. Matthew Treber
Director of Community and Economic Development Department,
200 West 4th Street Madera, CA 93637

Madera County Farm Bureau
1102 S Pine St, Madera, CA 93637

Madera Municipal Airport
4020 Aviation Dr, Madera, CA 93637

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BIBLIOGRAPHY

Madera County Administrative Officer (CAO) Management Practices

Sierra News Online – End of an Era: CAO out of Madera County (12/13/19)
The Madera Tribune – County's CAO plans to resign (12/12/19)
Big Valley News – CAO to resign as Madera County's CAO in 2020 (12/08/19)
Chowchilla News – Madera County official receives controversial pay bump (09/29/15)
ABC 30 News – Madera County's top administrator is getting a pay raise (09/22/15)
Big Valley News – New Hostile Work Environment Claim Against Madera County (05/27/14)
https://bigvalleynews.com/index.php/news/local-news/826-new-hostile-work-environment-claim-against-madera-county
TMC News/Madera Co. – Administrator (CAO) denies allegations of unprofessionalism (05/24/13)

RETURN TO AGENDA

REPORT TO CITY COUNCIL

Approved by:

Arnoldo Rodriguez, City Manager

Council Meeting of: March 17, 2021

Agenda Number: D-4

SUBJECT:

Update to the Code of Conduct for the Madera City Council, Boards, Commissions and Committees

RECOMMENDATION:

Adopt a Resolution Amending and Restating the Code of Conduct for the City Council, and Members of City Boards, Commissions, and Committees Adopted September 18, 2019

SUMMARY:

The Madera County Grand Jury (MCGJ) issued a report titled "The City of Madera Veiled Transparency" on June 25, 2019. Recommendation 1 of the report noted the following:

> *By September 30, 2019, the MCGJ recommends that the City of Madera create and follow a code of ethics for all senior officials and elected members and display the code of ethics in a public place.*

Since then, a draft of a proposed Code of Conduct was presented to Council on September 18, 2019. The proposed Code of Conduct was adopted, with the recommendation to bring this item back annually for review.

DISCUSSION:

The recommendation to bring this item back annually for review allows the City to evaluate the Code of Conduct on a regular basis and make changes as needed, that are in line with current practices for the Madera City Council, Boards, and Commission Members.

Key proposed updates to the Code of Conduct include:

- Update to Preamble language to be a more appropriate introduction to the document.
- Addition of language ensuring the Code of Conduct applies to not only Madera City Council, but Boards, Commission and Committee members.
- Conflict of Interest recusal guidance.
- Closed session matters confidentially responsibility.
- Policy Role of Members of the City Council revised language.
- Removal of Liaison Role section reference.
- Language regarding social media conduct.

FINANCIAL IMPACT:

Revisions and updates to the adopted Code of Conduct provide no direct financial impact to the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The information contained herein is not addressed by the Vision Madera 2025 plan, nor is the information in conflict with the plan.

ALTERNATIVES:

The Council has the following options to consider relating to the matter:

- Approve the recommended revisions and updates to the adopted Code of Conduct, as presented.
- Direct staff to add, remove, or revise language and bring back to Council at a later meeting date.
- As an alternative, Council may elect not to revise and update the Code of Conduct, leaving the adopted Code of Conduct as is, with no recommended changes at this time.

ATTACHMENTS:

1. Resolution amending and restating the Code of Conduct
2. Code of Conduct

Attachment 1:

Resolution amending and restating the Code of Conduct

RESOLUTION NO. _____

RESOLUTION OF THE CITY OF MADERA AMENDING AND RESTATING THE CITY OF MADERA CODE OF CONDUCT FOR THE CITY COUNCIL AND MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES

WHEREAS, the citizens of the City of Madera are entitled to have fair, ethical, and accountable local government; and

WHEREAS, the citizens of the City of Madera are entitled to have complete confidence in the integrity of local government; and

WHEREAS, on September 18, 2019, the Madera City Council adopted the Code of Conduct by way of Resolution No. 19-157 which includes certain rules and regulations regarding conduct and a commitment to uphold a standard of integrity beyond that required by law; and

WHEREAS, the City of Madera is interested in establishing a framework for day to day actions and decision-making by the City's elected officials, officers, boards and commissions; and

WHEREAS, integrity of officials of local government is key to effective and fair operation of government; and

WHEREAS, the amending and restating of the Code of Conduct will demonstrate the City's commitment to ethics and commitment to continuous evaluation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Madera, as follows:

1. That the City of Madera hereby amends and restates the Madera City Code of Conduct, first adopted September 18, 2019.
2. Resolution No. 19-157 is repealed and replaced in its entirety by this Resolution.
3. The recitals set forth above are true and correct and are incorporated herein by reference.
4. The Council hereby adopts the "City of Madera Conduct of Conduct For the City Council and Members of City Boards, Commissions, and Committees" as set forth in Exhibit A and incorporated herein by reference.
5. This resolution is effective upon adoption.

/ / /

Attachment 2:

Code of Conduct

City of Madera Code of Conduct

For the City Council and Members of City Boards, Commissions, and Committees

I. Preamble

The residents and businesses of the City of Madera (City) are entitled to have fair, ethical, and accountable local government. Such a government requires the public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City Council has adopted this Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

II. Ethics

This Code of Conduct applies to members of the City Council and to members of City boards, commissions, and committees. The term "member" as used in this Code of Conduct shall mean any member of the City Council and any member of any Board, Commission, or Committee of the City. Additionally, Councilmembers are at times referred to as "elected officials" and members of boards, commissions, and committees are at times referred to as "appointed officials."

1. **Acts in the Public Interest**

   Members will work for the common good of the people of Madera and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Council, boards, and commissions.

2. **Compliance with the Law**

   Members shall comply with Federal, State, and the City laws in the performance of their public duties. These laws include but are not limited to: the United States and California constitutions; the Political Reform Act including regulations adopted by the Fair Political Practices Commission pertaining to conflicts of interest, election campaigns, financial disclosures; employer responsibilities; the Brown Act; and related City ordinances and policies.

3. **Conduct of Members**

   The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, boards, and commissions, the public and staff.

4. **Respect for Process**

   Members shall perform their duties in accordance with the processes and rules of order established by the Council and/or boards and commissions governing the deliberation of issues before them.

5. **Conduct of Public Meetings**

   Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body or otherwise interfering with the orderly conduct of meetings.

6. **Decisions Based on Merit**

   Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

7. **Communication**

   Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

8. **Conflict of Interest**

   In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest. Members should consider voluntary recusal where they have an organizational responsibility or personal relationship to the issue under consideration which may give the appearance of a conflict of interest.

   In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall recuse themselves from participating in deliberations and decision-making where conflicts may exist.

9. **Gifts and Favors**

   Members shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. **Confidential Information**

    Members shall respect the confidentiality of information concerning property, personnel, or affairs of the City. Members shall respect the confidentiality regarding closed session matters. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or private interests.

11. **Use of Public Resources**

    Members shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

12. Representation of Public Interests

In keeping with their role as stewards of the public interest, members shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy

Members shall represent the official policies or positions of the Council, board, or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City, nor will they allow an inference that they do.

14. Policy Role of Members of the City Council

Councilmembers shall respect and adhere to the Council-Manager form of government. The Council appoints a City Manager to implement policy, enforce its laws, to direct the daily operations of city government, and to prepare and monitor the municipal budget. Council Members work through the City Manager in dealing with City staff. The City Manager is responsible to the City Council as a body rather than to individual Council Members.

Except as provided by the Municipal Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff, nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions

Because of the value of the independent advice of boards, commissions, and committees to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board, commission, and committee proceedings.

16. Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace for the City employees and for the citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

III. Conduct Guidelines

1. Elected and Appointed Officials' Conduct with one another in Public Meetings

a. Honor the role of the presiding officer in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

b. *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify public officials making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

c. *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The presiding officer will maintain control of this discussion.

d. *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected and Appointed Officials' Conduct with the Public in Public Meetings

a. *Be welcoming to speakers and treat them with care and respect*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.

b. *Be fair and equitable in allocating public hearing time to individual speakers*
The presiding officer will determine and announce limits on speakers at the start of the public hearing process.

c. *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. Members shall try to be conscious of facial expressions.

d. *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

e. *Ask for clarification, but avoid debate and argument with the public*
Only the presiding officer may interrupt a speaker during a presentation. However, a member can ask the presiding officer for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with City Staff

a. *Treat all staff as professionals*
Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Professional courtesy should be extended towards staff.

b. Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Attendance to staff meetings should be by invitation only. The presence of elected or appointed officials may imply support, show partiality, may intimidate staff, and could hamper staff's ability to do their job objectively.

c. Never publicly criticize an individual employee

Elected and appointed officials should not express concerns about the performance of a City employee in public, to the employee directly, or to the employee's colleagues. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

d. Do not get involved in administrative functions

Elected and appointed officials acting in their individual capacity should not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

e. Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

f. No Attorney-Client Relationship

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members.

4. Councilmember Conduct with Boards, Commissions, and Committees

a. If attending a Board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any Board or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation - especially if it is on behalf of an individual, business developer - could be viewed as unfairly affecting the process. Public comments by a Councilmember at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the Council. Public comments by a Councilmember at a board, commission, or committee adjudicatory hearing should not be made and may prohibit the Councilmember from participating at City Council hearing on the same matter.

b. Limit contact with Board and Commission members to questions of clarification

It is inappropriate for a Councilmember to contact a Board or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Commission, or Committee members in order to clarify a position taken by that body.

c. *Respect that Boards and Commissions serve the community, not individual Councilmembers*
The Council appoints individuals to serve on Boards, Commissions, and Committees and it is those bodies' responsibility to follow policy established by the Council. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Commission, or Committee appointment should not be used as a political "reward."

d. *Be respectful of diverse opinions*
A primary role of Boards, Commissions, and Committees is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Commissions, and Committees but must be fair and respectful of all persons serving on Boards and Commissions.

e. *Keep political support away from public forums*
Board, Commission, and Committee members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Commission, or Committee members who are running for office, but not in an official forum in their capacity as a Councilmember.

5. Elected and Appointed Officials' Conduct on Social Media

Members shall honor the conduct guidelines in this Section III and the Ethical Considerations in Section II of this Code of Conduct when posting on Social Media. Council Members will be cognizant of the Brown Act which prohibits a member from responding directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the City Council that is made, posted, or shared by any other member of the legislative body. Members of boards, commissions, and committees are also subject to this limitation on matters within the jurisdiction of their respective board, commission, and committee.

IV. IMPLEMENTATION

1. Enforcement

The Code of Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It, therefore, becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in orientations for newly elected and appointed officials. Members entering office shall sign a statement affirming they have read and understand the City of Madera Code of Conduct. Any member who becomes aware of any breach of this Code should report that violation to the City Manager or City Attorney for review.

2. Distribution and Posting

This Code of Conduct shall be provided to all elected and appointed officials; distributed to all executive team members; posted and made available to members of the public by the City Clerk Department; and be available for review by employees.

3. Sanctions

The Council may impose sanctions on members whose conduct does not comply with the City's Code of Conduct. For elected officials, this may include reprimand, formal censure, and/or loss of seniority or committee assignment. For appointed officials, sanctions may include but are not limited to reprimand, formal censure, or removal from the Commission, Board, or Committee A violation of this Code of Conduct shall not be considered as a basis for challenging the validity of a Council, board, commission, or committee decision.

4. Review and Updates

The Code of Conduct shall be reviewed annually by the Council which may consider updates as necessary.

RETURN TO AGENDA

REPORT TO CITY COUNCIL

Approved by: _____
Alicia Gonzales, City Clerk

_____
Arnoldo Rodriguez, City Manager

Council Meeting of: March 17, 2021
Agenda Number: D-5

SUBJECT:

Budget Amendment related to the November 3, 2020 Consolidated Presidential General Election

RECOMMENDATION:

Adopt a Minute Order Approving a Budget Amendment related to the November 3, 2020, Consolidated Presidential General Election in the amount of $101,322.15

SUMMARY:

The City received an invoice in the amount of $127,670.15 from the Madera County Elections Office for the Election Management of the November 3, 2020, Consolidated Presidential General Election. The Madera County Elections Office rendered services on November 3, 2020 for the Election of Council Members for Districts 2, 4, 6, Mayor, and Measure R.

DISCUSSION:

Staff is requesting allocation of funds for the Intergovernmental Charges account. Staff is proposing that the General Fund cover the costs of the election. It is noted that the City's fair share exceeded projected costs which may partially be attributed to safety measures due to the COVID-19 pandemic and Measure R. Council may recall that at the time that Measure R was being contemplated, initial estimates to place it on the ballot ranged between $90k to $100k, depending on the number of registered voters, to place on the ballot. Since then, staff has been notified that the costs for Measure R, three Council districts, and Mayoral election totaled $127,670.15. Staff initially budgeted $26,348 for the election, therefore a budget amendment of $101,322.15 is being requested.

Budget Appropriation: 03/17/21						
Fund	**Org**	**Object**	**Description**		**Increase Amount**	**Decrease Amount**
1020	10201010	6704	Intergovernmental Charges	$	101,322.15	

FINANCIAL IMPACT:

The budget amendment will be covered by the General Fund in the amount of $101,322.15 for Election Costs.

ALTERNATIVES:

1. Council may request to table the item to a future date and request that staff provide additional information.

ATTACHMENT:

1. Madera County Invoice – Election Billing

RECEIVED
OFFICE OF THE CITY CLERK

FEB 16 2021

BY Agonzales

Rebecca Martinez, County Clerk-Recorder and Registrar of Voters

Invoice Number: 2020-01

INVOICE - ELECTION BILLING

CITY OF MADERA Election Management – 21,122 registered voters; 13 BT Consolidated Presidential General Election November 3, 2020 Mayor Council District 2 Council District 4 Council District 6 Cannabis Business Tax Measure R	$127,670.15
TOTAL BILLING	**$127,670.15**

Due to COVID-19, costs for the November 3, 2020 General Election were significantly increased and as a result, the election costs for your jurisdiction were higher than what is reflected in this billing.

Madera County received Federal and State funds to assist with the conduct of the election. Those savings were applied to your jurisdiction and your election bill was reduced accordingly. However, these cost savings were unique to 2020. It is recommended that you provide for increased costs for future elections.

PLEASE REMIT WITHIN 30 DAYS OF DATE ON INVOICE.

Dated: February 10, 2020

Rebecca Martinez, County Clerk-Recorder & Registrar of Voters

COUNTY CLERK-RECORDER & REGISTRAR OF VOTERS
200 West Fourth Street • Madera, CA 93637 • 800.435.0509 Toll Free • 559.675.7720 • 559.675.7721 • 559.675.7724 • 559.675.7870 Fax
www.maderacounty.com • www.votemadera.com

ELECTION BILLING BREAKDOWN SHEET - November 3, 2020

CITY OF MADERA: MAYOR, COUNCIL DISTRICTS 2, 4, 6, AND MEASURE "R"

REGISTERED VOTERS MAYOR/MEASURE "R": 21,122 AND 13 BALLOT TYPES

REGISTERED VOTERS COUNCIL DISTRICTS 2, 4, 6: 10,866 AND 3 BALLOT TYPES

*Those items marked with an * have been reduced as a result of one time CARES Act funding received to assist in the conduct of the November 2020 Presidential Election. The unsubsidized cost is reflected in red simply for information purposes.

ELECTION SET-UP / ADMINISTRATION / CANDIDATE PROCESSING / ON-SITE SUPPORT		$7,245.00
SIGNATURE VERIFICATION ON NOMINATION PAPER		NOT BILLED
*STAFF PAYROLL (LESS VBM, INCLUDES CANVASS)	($17,718.31)	$11,472.85
*INDIRECT LABOR COSTS	($1,771.83)	$917.83
EXTRA HELP PAYROLL (LESS VBM, INCLUDES CANVASS)		$1,234.15
INFORMATION TECHNOLOGY STAFF PAYROLL		$4,734.36
VOTE CENTER STAFF PAYROLL		$10,740.87
*ELECTION SUPPORT/ELECTION NIGHT SUPPORT PAYROLL	($6409.00)	$0.00
SECURITY STAFF PAYROLL		$426.99
ENGINEERING/ROAD DEPARTMENT STAFF PAYROLL		$74.71
VOTE BY MAIL BALLOT PRINTING (SB90)		$23,768.79
VOTE BY MAIL ADDRESSING AND INSERTING (SB90)		$17,613.26
VOTE BY MAIL BALLOT POSTAGE - OUTGOING BALLOTS (SB90)		$1,806.79
VOTE BY MAIL BALLOT POSTAGE - INCOMING BALLOTS/UNDELIVERABLE (SB90)		$4,809.80
VOTE BY MAIL BALLOT ENVELOPES (SB90)		$3,402.09
VOTE BY MAIL BALLOT INSERTS (SB90)		$1,905.44
VOTE BY MAIL LABOR - REGULAR STAFF (SB90)		$17,209.27
VOTE BY MAIL LABOR - EXTRA HELP STAFF (SB90)		$1,851.85
TYPESETTING COSTS - APPLICABLE TO ALL (20 PAGES @ $95/PAGE)		$399.00
TYPESETTING COSTS - DISTRICT SPECIFIC		$4,199.06
*TRANSLATIONS - SPANISH & PUNJABI	($2,115.37)	$0.00
*MOBILE BALLOT PRINTING TONER	($3,144.59)	$0.00
TAXES AND FREIGHT		$2,617.96
PUBLICATIONS - APPLICABLE TO ALL		$1,974.85
PUBLICATIONS - DISTRICT SPECIFIC		$2,705.60
OFFICIAL SEALS		$99.96
VOTE CENTER SUPPLIES		$456.47
VOTE CENTER RENTAL		$752.85
ROSTERS/VOTE CENTER STAFF TRAINING/EQUIPMENT TRAINING MATERIALS		$196.10

SUBTOTAL		$122,615.88
*OVERHEAD	($14,592.35)	$9,809.27
LESS CANDIDATE STATEMENTS PREPAID		-$4,755.00
TOTAL BILLING		$127,670.15

SB90 COSTS FOR POSSIBLE FUTURE REIMBURSEMENT BY STATE	$72,367.28