
Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

Function and Applicability of the Plan

The basic function of this *Nevada County Airport Land Use Compatibility Plan (Compatibility Plan)* is to promote compatibility between the airport and surrounding land uses. As adopted by the Nevada County Airport Land Use Commission (NCALUC), the plan serves as a tool for use by the commission in fulfilling its duty to review airport and adjacent land use development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The Nevada County Airport lies in the western portion of Nevada County. The influence area for the Nevada County Airport, as defined herein, extends 1.7 miles from the airport's runway. This influence area encompasses lands within two local government jurisdictions:

- County of Nevada
- City of Grass Valley

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

Statutory Requirements

Powers and Duties

Requirements for creation of Airport Land Use Commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utility Code Sections 21670 et seq.) in 1967. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

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

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

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

Limitations

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

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

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

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

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

Nevada County Airport Land Use Commission

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

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

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

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

Historically, the role of ALUC for Nevada County Airport (or "Air Park" as it was known) rested with the Foothill Airport Land Use Commission (FALUC) which operated under the auspices of the Sierra Planning Organization (SPO). On May 19, 2010, the Nevada County Transportation Commission was designated by the Nevada County Board of Supervisors and the City Selection Committee as the ALUC for the Nevada County Airport in accordance with the designated body provisions of Public Utilities Code Section 21670.1. The Nevada County Transportation Commission (NCTC) Executive Director serves as the NCALUC Executive Director with support from the NCTC staff.

Relationship of the ALUC to County and City Governments

The fundamental relationship between the NCALUC and the governments of Nevada County and the City of Grass Valley is set by the State Aeronautics Act. The NCALUC is not simply an advisory body for the board of supervisors or city council in the manner that their respective planning commissions are. Rather, it is more equivalent to a Local Agency Formation Commission (LAFCo). Within the bounds defined by state law, the decisions of the NCALUC are final and are independent of the board of supervisors or city council. The NCALUC does not need county or city approval in order to adopt this *Compatibility Plan* or to carry out NCALUC land use project review responsibilities. However, the NCALUC must consult with the involved agencies regarding establishment of the airport influence area boundary (Public Utilities Code Section 21675(c)).

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

Government Code Section 65302.3 establishes that each county and city affected by an airport land use compatibility plan must make its general plan and any applicable specific plans consistent with the ALUC's plan. Alternatively, local agencies can take the series of steps listed in the Public Utilities Code Section 21676 to overrule the ALUC. Actions that Nevada County and the City of Grass Valley can take to implement the *Compatibility Plan* or overrule the NCALUC are outlined later in this chapter.

PLAN PREPARATION AND REVIEW

State Guidelines

Although state law spells out the powers and duties of airport land use commissions and many of the procedural aspects of airport land use compatibility planning, it does not contain explicit compatibility guidelines. Rather, the law refers to another document, the *Airport Land Use Planning Handbook* published by the California Division of Aeronautics. Specifically, the statutes say that, when preparing compatibility plans for individual airports, ALUCs shall “be guided by” the information contained in the *Handbook*. The most recent edition of the *Handbook* was completed in January 2002 and is available for downloading from the Division of Aeronautics web site (<http://www.dot.ca.gov/hq/planning/aeronaut/>).

The *Airport Land Use Planning Handbook* is comprised of two major parts. The first part deals with the formation and operation of ALUCs, the preparation of compatibility plans, procedures for review of local actions, and the responsibilities of local agencies. Part II contains background information regarding noise and safety compatibility concepts and sets forth basic guidelines for land use compatibility criteria. This guidance is intended to serve as the starting point for compatibility planning around individual airports. The *Handbook* is not regulatory in nature and does not constitute formal state policy.

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

The policies and maps in this *Compatibility Plan* take into account the guidance provided by the current edition of the *Handbook*, dated January 2002. A new version of the *Handbook* is now circulating in draft form and is expected to be finalized in mid-2011. The new edition refines, clarifies, and reorganizes the content of the 2002 edition, but does not appreciably change the state guidance.

Relationship to Airport Master Plan

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

This distinction notwithstanding, the relationship between the two types of plans is close. Specifically, Public Utilities Code Section 21675(a) requires that ALUC plans be based upon a long-range airport master plan adopted by the airport owner/proprietor. If such a plan does not exist for a particular airport, an airport layout plan may be used subject to approval by the California Division of Aeronautics. Furthermore, ALUC plans must reflect “the anticipated growth of the airport during at least the next 20 years.”

The connection works in both directions, however. While a compatibility plan must be based upon an airport master plan, Public Utilities Code Section 21676(c) requires that any proposed modification to an

airport master plan be submitted to the ALUC to determine if the proposal is consistent with the compatibility plan. Provided that the off-airport compatibility implications of the proposed modifications are adequately addressed in the master plan, the outcome of this process usually is that the compatibility plan will need to be updated to mirror the new master plan.

Nevada County Airport Plans

The responsibility for master planning of the Nevada County Airport rests with the airport's proprietor, Nevada County. The current master plan for the Nevada County Airport was adopted by the Nevada County Board of Supervisors in 1981 and amended in 1992. The Airport Layout Plan drawing was approved by the Federal Aviation Administration (FAA) in February 2010 and illustrates proposed alterations to the airfield system. The principal development proposal shown on the Airport Layout Plan is relocating the Runway 25 threshold 300 feet east to the existing end of pavement, resulting in a future runway length of 4,650 feet.

With respect to aircraft activity projections, a 20-year activity forecast of 60,000 annual operations was developed for the purposes of this *Compatibility Plan*. This forecast is double the current (2010) activity level of 30,000 annual operations and is representative of the airport's current condition and potential growth.

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

Previous Compatibility Planning for Nevada County Airport

The Foothill Airport Land Use Commission adopted the original compatibility plan for Nevada County Airport—entitled *Nevada County Airport Comprehensive Land Use Plan*—in June 1987. The plan is based upon the development proposals provided in the 1981 Airport Master Plan. No changes have been made to the comprehensive land use plan.

2011 Compatibility Plan Review and Adoption Process

The Foothill ALUC was dissolved in May 2010 and the Nevada County Transportation Commission (NCTC) was designated as the ALUC for Nevada County Airport. The data contained in the June 1987 *Nevada County Airport Comprehensive Land Use Plan* was found to be outdated, so the NCTC took on the task to hire a consultant to update the text and exhibits as needed to reflect current airport and land use information.

A Technical Advisory Committee was established specifically for the *Compatibility Plan* project. The group's primary membership consisted of the NCTC/NCALUC Executive Director, Airport Manager and planning staff from the Nevada County Planning Department, City of Grass Valley Planning Division and City of Nevada City Planning. The Technical Advisory Committee assisted with providing airport and land use data, reviewing discussion papers and draft materials, and provided comments for consideration in the draft *Compatibility Plan*.

Adoption of the *Nevada County Airport Land Use Compatibility Plan* and associated Negative Declaration by the NCALUC is anticipated in late-2011. Following NCALUC adoption, this *Compatibility Plan* will replace the earlier *Nevada County Airport Comprehensive Land Use Plan (1987)*.

PLAN IMPLEMENTATION

General Plan Consistency

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

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

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

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

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

- ▶ **Incorporate Policies into Existing General Plan Elements**—One method of achieving the necessary planning consistency is to modify existing general plan elements. For example, airport land use noise policies could be inserted into the noise element, safety policies could be placed into a safety element, and the primary compatibility criteria and associated maps plus the procedural policies might fit into the land use element. With this approach, direct conflicts would be eliminated and the majority of the mechanisms and procedures to ensure compliance with compatibility criteria could be fully incorporated into a local jurisdiction's general plan.
- ▶ **Adopt a General Plan Airport Element**—Another approach is to prepare a separate airport element of the general plan. Such a format may be advantageous when a community's general plan also needs to address on-airport development and operational issues. Modification of other plan elements to provide cross referencing and eliminate conflicts would still be necessary.
- ▶ **Adopt Compatibility Plan as Stand-Alone Document**—Jurisdictions selecting this option would simply adopt as a local policy document the relevant portions of the *Compatibility Plan*—specifically, Chapter 2 plus any background information they wish to include. Changes to the community's existing general plan would be minimal. Policy reference to the separate *Compatibility Plan* 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 *Compatibility Plan* as policy. Instead, the compatibility policies would be restructured as an airport combining or overlay zoning ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place. The airport-related height-limit zoning that many jurisdictions have adopted as a means of protecting airport airspace is a form of combining district zoning. Noise and safety compatibility criteria, together with procedural policies, would need to be added to create a complete airport compatibility zoning ordinance. Other than where direct conflicts need to be eliminated from the local plans, implementation of the compatibility policies would be accomplished solely through the zoning ordinance. Policy reference to airport compatibility in the general plan could be as simple as mentioning support for the airport land use commission and stating that policy implementation is by means of the combining zone. (An outline of topics which could be addressed in an airport combining zone is included in Appendix F.)

Overrule Process

The only other course of action available to local agencies is to overrule the ALUC by a two-thirds vote of its governing body after making findings that the agency's plans are consistent with the intent of state airport land use planning statutes. Additionally, the local agency must provide both the ALUC and Caltrans Division of Aeronautics, with a copy of the local agency's proposed decision and findings at least 45 days in advance of its decision to overrule and must hold a public hearing on the proposed overruling (Public Utilities Code Section 21676(a) and (b)). The ALUC and the Division of Aeronautics may provide comments to the local agency within 30 days of receiving the proposed decision and findings. If comments are submitted, the local agency must include them in the public record of the final decision to overrule the ALUC (Sections 21676, 21676.5 and 21677.) Note that similar requirements apply to local agency overruling of ALUC actions concerning individual development proposals for which ALUC review is mandatory (Section 21676.5(a)) and airport master plans (Section 21676(c)).

Project Referrals

In addition to the types of land use actions for which referral to the NCALUC is mandatory in accordance with state law, the *Compatibility Plan* specifies other land use projects that either must or should be submitted for review. These *major land use actions* are defined in Chapter 2. Beginning with when this plan is adopted by the NCALUC and continuing until such time as local jurisdictions have made the necessary modifications to their general plans, all of these major land use actions are to be submitted to the commission for review. After local agencies have made their general plans consistent with the *Compatibility Plan*, the NCALUC requests that these major actions continue to be submitted on a voluntary basis. These procedures must be indicated in the local jurisdiction's general plan or other implementing policy document in order for the general plan to be considered fully consistent with the *Compatibility Plan*.

PLAN CONTENTS

The *Compatibility Plan* is organized into three chapters and a set of appendices. The intent of this introductory chapter is to set the overall context of airport land use compatibility planning in general and for the Nevada County Airport and Nevada County Airport Land Use Commission in particular.

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

Chapter 3 presents various background data regarding features, impacts, and environs of Nevada County Airport. Chapter 3 also serves to document the data and assumptions upon which the compatibility policy maps for the airport are based.

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

An Initial Study of environmental impacts has been prepared pursuant to the requirements of the California Environmental Quality Act (CEQA). Issues addressed include those identified in the 2007 California Supreme Court decision in *Muzzy Ranch Company v. Solano Airport Land Use Commission*. These issues include assessment of the potential future displacement of residential and nonresidential land use development as a result of implementation of this *Compatibility Plan*. A copy of the Initial Study and associated Negative Declaration was circulated for public review and comment on July 5, 2011.