

January 18, 2018
[copies of letter distributed at the PAAC meeting]

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Palomar Airport Articles: Carlsbadpatch.com and
sandiegofreepress.org

PAAC Members: Chairperson Chuck Collins, Cliff Kaiser, Ron Cozad, Ron Lovick, Dan Frazee, John O'Reilly, Tom Ricotta, Cal Weeks, Gordon Nesbitt

Re: **Request by Ray & Ellen Bender During Meeting: Agenda Item 5**
2017-2037 Palomar Master Plan and PMP EIR [2018 bender paac pmp letter jan 18]

Seven hours ago we received the county's PMP and PMP EIR totaling more than 700 pages of text plus appendices even longer. CEQA normally provides for a public response time of forty-five (45) days. In view of the length of the document we ask PAAC members to support our request that the comment period be 90 days rather than 45 days. We also ask that the county provide local libraries at least 20 complete copies so that the many residents of Carlsbad, Vista, and other airport communities can review them at the library. Many seniors do not have computers or are not familiar with their use.

Also, we noted that PMP pages 3-89 and 3-90 say that extending the Palomar runway is not an airport expansion so long as the extension does not go outside existing airport boundaries. The Carlsbad Municipal Code, State Public Utilities Code, and the McClellan-Palomar Airport Land Use Compatibility Plan prepared by the San Diego Regional Airport Authority acting as the Airport Land Use Commission all expressly contradict the county's statement. We quote the relevant Carlsbad, PUC section that the State Division of Aeronautics (under Cal Trans), and the SDRAA ALUC enforce.

We therefore ask PAAC members to require county staff to explain at this and successor PAAC meetings why the county PMP disagrees with city and state law and with the Compatibility Plan that Public Utilities Code requires county to follow. The failure of PAAC members to support this request can only be viewed as the PAAC rubber stamping a staff recommendation without requiring staff response to reasonable questions raised by the public.

Ray & Ellen Bender as
taxpayers, and airport users

/s/
Ray & Ellen Bender

Attachment A
(Back Side of Bender January 18, 2018 Letter to PAAC)

1. Carlsbad Municipal Code Section 21.53.015 provides that Carlsbad residents can vote on certain airport expansions. Carlsbad Conditional Use Permit (CUP) 172 requires county to apply for a CUP 172 amendment if the county expands the airport or converts the airport from a "general aviation basic transport" use. The FAA defines such use as not exceeding 2500 operations per year, which County far exceeds. Carlsbad MC -§ 21.04.140.1 provides as follows:

http://www.ecode.us/codes/carlsbad/view.php?topic=21-21_04-21_04_140_1&frames=on

Carlsbad Municipal Code				
Up	Previous	Next	Main	Search
Title 21 ZONING				
Chapter 21.04 DEFINITIONS				

21.04.140.1 Expansion.

"Expansion" means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

View the [mobile version](#).

2. The State of California Public Utilities Code, under which the State Division of Aeronautics acts within CalTrans, provides in § 21664.5:

21664.5.

(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).

3. The McClellan-Palomar Airport Land Use Compatibility Plan [Adopted 1/25/10 and amended 3/4/10, and again 12/1/11 states in § 2.12 entitled Review of airport master plans and development plans on p. 2-29:

§ 2.12.1 *** "Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of county protection zones or the acquisition of any interest in land for the purposes, identified above."