



## SAN DIEGO COUNTY AIRPORT LAND USE COMMISSION

# Airport Land Use Compatibility Plan for Jacumba Airport

Administrative Draft, February 2020

SAN DIEGO  
COUNTY  
REGIONAL  
AIRPORT  
AUTHORITY

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## Chapter 1 IMPLEMENTATION

### 1.0 Purpose and Scope of the Plan

This Airport Land Use Compatibility Plan (ALUCP) has been prepared by the San Diego County Regional Airport Authority (SDCRAA), acting in its capacity as the designated Airport Land Use Commission (ALUC) for San Diego County, in fulfillment of the state mandate to prepare ALUCPs.<sup>1</sup> Consistent with state law, the purpose of this ALUCP is to provide guidance on appropriate land uses surrounding airports to protect the health and safety of people and property within the vicinity of an airport, as well as the public in general, and in turn protect the airport against encroachment by incompatible land uses which might restrict its operations.<sup>2</sup>

#### 1.0.1 Effective Date and Severability

This ALUCP becomes effective on the date of its adoption by the ALUC. This ALUCP supersedes the previous ALUCP adopted in 2006. If any term, policy, or provision in this ALUCP is found to be invalid, void, or unenforceable, the remainder shall continue in full force and effect and shall in no way be affected, impaired, or invalidated.

#### 1.0.2 Amendment of this ALUCP

Major amendments (revising or adding policies or changing the standards) to the ALUCP cannot be done more than once per calendar year.<sup>3</sup> Minor amendments (addressing grammatical, typographical, or minor technical errors that do not affect how policies or standards are applied) can be done as often as needed.<sup>4</sup> ALUCP amendments may address any issue deemed appropriate by the ALUC. Because state law requires that local agencies operating an airport submit updates to airport master plans, airport layout plans, and proposals for airport expansion for ALUC review,<sup>5</sup> this ALUCP may need to be amended to reflect updates and revisions to airport plans (see **Section 1.7**).

#### 1.0.3 Goals of this ALUCP

This ALUCP provides airport land use compatibility policies and standards related to four airport-related factors as illustrated on **Exhibit 1-1**: safety, noise, airspace protection, and overflight. The goals of these land use compatibility policies and standards are listed in **Table 1-1**.

<sup>1</sup> California Public Utilities Code §§21670.3(a), 21674, 21675.

<sup>2</sup> California Public Utilities Code §21675(a).

<sup>3</sup> California Public Utilities Code §21675(a).

<sup>4</sup> California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, § 2.4.2 ALUCP Amendments.

<sup>5</sup> California Public Utilities Code §§21674(d), 21676(c).

**TABLE 1-1**  
**Land Use Compatibility Goals**

| <i><b>Compatibility Factor</b></i>                           | <i><b>Goals</b></i>   |
|--|---|
| <i><b>Safety (Chapter 2)</b></i>                             | Protects public safety within safety zones by: <ul style="list-style-type: none"> <li>▪ Limiting new risk-sensitive land uses within safety zones</li> <li>▪ Reducing the number of people in areas subject to the highest risk of aircraft accidents</li> </ul>  |
| <i><b>Noise (Chapter 3)</b></i>                              | Protects public health and welfare within noise contours by: <ul style="list-style-type: none"> <li>▪ Limiting new noise-sensitive development within noise contours</li> <li>▪ Ensuring that new noise-sensitive development meets interior sound level standards</li> <li>▪ Requiring aviation easements for new noise-sensitive development<sup>6</sup></li> </ul>   |
| <i><b>Airspace Protection and Overflight (Chapter 4)</b></i> | Preserves the operational ability of the airport and protects flight capability by: <ul style="list-style-type: none"> <li>▪ Limiting the height of new structures and objects per FAA standards</li> <li>▪ Limiting potential hazards to flight</li> <li>▪ Promoting awareness to prospective residents of new housing within the overflight boundary about the potential effects of aircraft overflights</li> </ul> |

#### 1.0.4 Airport Influence Area

This ALUCP applies within the Airport Influence Area (AIA) for Jacumba Airport. An AIA is “the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on land use.”<sup>7</sup> This ALUCP provides airport land use compatibility policies related to the four factors of safety, noise, airspace protection, and overflight that apply within the AIA. The AIA also defines the area within which any person offering residential property for sale or lease is required by state law to disclose airport proximity.<sup>8</sup>

#### 1.0.5 Stakeholders Involved with this ALUCP

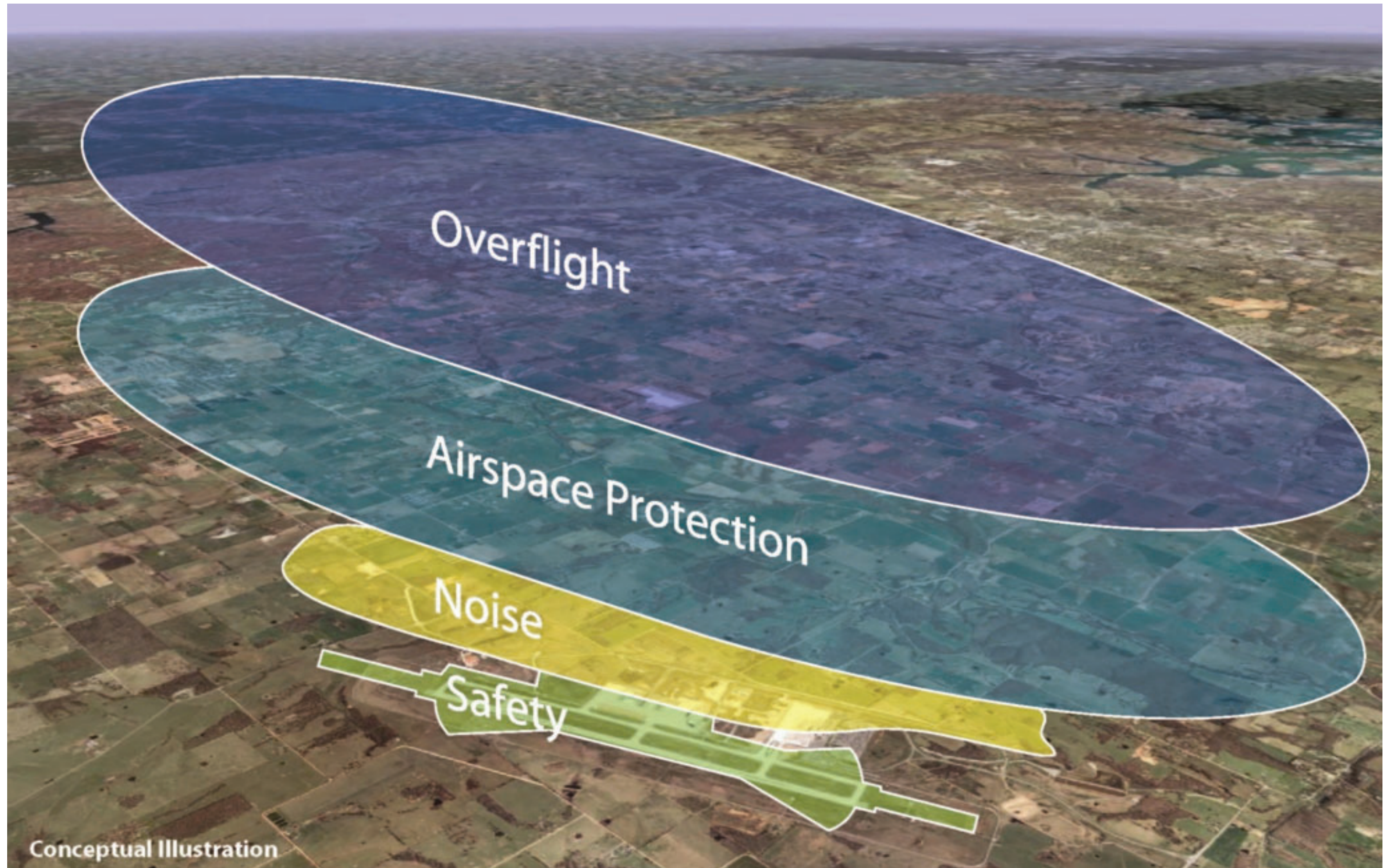
Stakeholders affected most directly by this ALUCP include four groups – the ALUC, the local agency, the project sponsor, and the airport operator. **Table 1-2** briefly describes these stakeholders and their roles in using or implementing this ALUCP.

<sup>6</sup> Title 21, California Code of Regulations, Subchapter 6, *Noise Standards*, Section 5037(f).

<sup>7</sup> California Business and Professions Code §11010(b)(13) (B).

<sup>8</sup> California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4; California Code of Civil Procedure §731a.







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**TABLE 1-2**  
**Stakeholders**

|                         |   |
|-------------------------|---|
| <b>ALUC</b>             | The SDCRAA Board in its role as the ALUC to adopt and implement the ALUCP   |
| <b>Local Agency</b>     | The County of San Diego in its capacity of regulatory and permitting authority for land uses located within the AIA. Local agencies also include school districts, community college districts, and special districts with the authority to build and operate public buildings and facilities on land located within the AIA <sup>9</sup> |
| <b>Project Sponsor</b>  | Any person or entity having an interest in a property, including a local agency, landowner, landowner's agent, or nonresidential tenant, who must secure local agency approval or permitting of a proposed project  |
| <b>Airport Operator</b> | The County of San Diego in its capacity as the owner and operator of the airport  |

## 1.1 Limits of ALUC Authority

### 1.1.1 Property Not Subject to this ALUCP

This ALUCP does not apply to the use of any property owned by the United States government, State of California, or any Native American tribe. **Table 1-3** provides a complete list of exemptions from ALUC review.

### 1.1.2 Exemptions from ALUC Review

**Table 1-3** summarizes project categories exempt from ALUC review. However, FAA review for structures and objects may still be required as a separate legal requirement from the policies in this ALUCP; see **Chapter 4**.

<sup>9</sup> California Public Utilities Code §21670(f).

**TABLE 1-3**  
**Exemptions from ALUC Review**

|  |   |
|--|---|
| <b>Existing Land Uses<sup>10</sup></b>                             | Any use occurring as of the effective date of this ALUCP that remains constant as it without modifications (see alterations below)  |
| <b>Alterations to Existing Residential Uses</b>                    | Repair, maintenance, and remodeling of existing habitable space with no increase in density or height   |
| <b>Alterations to Existing Nonresidential Uses</b>                 | Repair, maintenance, and remodeling within existing gross floor area with no increase in intensity or height  |
| <b>Uses with Vested Rights</b>                                     | <p>A land use is considered existing if a vested right is obtained in any of the following ways:</p> <ul style="list-style-type: none"> <li>▪ Issuance of a valid building permit or other development permit with substantial work performed and substantial liabilities incurred in good faith reliance on the permit<sup>11</sup></li> <li>▪ An executed and valid development agreement<sup>12</sup></li> <li>▪ An approved and unexpired vesting tentative map<sup>13</sup></li> </ul> |
| <b>Unoccupied Accessory Structures</b>                             | Structures not designed as habitable space, such as sheds, garages, parking structures, decks and patios, and utility attachments, such as solar panels or satellite antennas   |
| <b>Temporary Uses and Activities</b>                               | Tents, concert stages, participant sports, spectator events, fairs, and receptions held without a use permit required by the local agency   |
| <b>Resumption of a Discontinued Use</b>                            | Resumption of a previously existing land use that is incompatible with either the noise or safety policies and standards of this ALUCP and has been discontinued for no more than 24 consecutive months   |
| <b>Projects outside Noise Contours and Safety Zones of the AIA</b> | <p>Provided that:</p> <ul style="list-style-type: none"> <li>▪ The project sponsor provides the local agency an unexpired FAA Determination of No Hazard to Air Navigation with no marking/lighting conditions and no changes to flight procedures necessitated by the project; and</li> <li>▪ The project does not involve any potential hazards to flight, as described in <b>Section 4.2</b>, Standards for the Protection of Flight Safety</li> </ul>                                   |

<sup>10</sup> California Public Utilities Code §§21670(a)(2), 21674(a).

<sup>11</sup> Pursuant to the California Supreme Court decision in *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785,791, and its progeny.

<sup>12</sup> California Government Code §65866.

<sup>13</sup> California Government Code §66498.1.



**Density** is the number of residential dwelling units per acre.

**Gross floor area** means the total amount of space (measured as square feet) contained within a nonresidential building measured to the external walls. Gross floor area does not include attached garages or parking structures, mezzanines, patios, decks, or balconies.

**Habitable space** means the total amount of space (measured as square feet) contained within a residence measured to the external walls, excluding any attached garages, parking structures, patios, decks, or balconies.

**Intensity** is the number of people per acre for nonresidential uses.

**Reconstruction** is the rebuilding of all or a portion of an existing residence or nonresidential building.

**Remodeling** means the existing land use classification does not change due to renovations, and the structure remains under the same roof, contained within the same walls. Complete demolition of the interior of a structure is thus considered remodeling if the original roof and walls remain.

### 1.1.3 Limit of ALUC Authority Over Airport

The ALUC has no authority over airport design, site layout, operations, or expansion<sup>14</sup> (See **Section 1.7**). Other potential impacts created by airports within their environs (e.g., air or water quality, resource impacts, or surface traffic) are addressed by federal and state laws and are not within the statutory authority for the ALUC to review.

## 1.2 Single Residential Unit Development Consistency

Notwithstanding any other policies of this ALUCP, construction of a new, single residential unit, including an accessory dwelling unit, may be found consistent with the ALUCP if all of the following attributes apply to the subject property:

1. The property is not located within Safety Zone 1.
2. The property is a legal lot of record which existed on the effective date of this ALUCP.
3. The property is zoned by the local agency for residential use.

<sup>14</sup> California Public Utilities Code §21674(e).

A consistency determination made per this section will have the following conditions:

1. Each dwelling unit must be sound attenuated to 45 dB Community Noise Equivalent Level (CNEL) interior noise level, if located within the 60 dB CNEL or higher noise contour (see **Chapter 3**).
2. An aviation easement must be granted to the airport operator and recorded over the property, if located within the 60 dB CNEL or higher noise contour (see **Chapter 3**).
3. Each dwelling unit must comply with the airspace protection policies of this ALUCP (see **Chapter 4**).
4. A means of overflight notification must be provided for by the local agency (see **Chapter 4**).

A **land use action** is any decision made by a local agency affecting the use of land, from the adoption or amendment of a land use plan or regulation to the consideration of a land use project.

A **land use plan** is a comprehensive map of designated uses and accompanying goals for the development of land within a specified community or region. Examples include a general plan, community plan, specific plan, and precise plan.

**Land use regulations** are the public policy rules with legal effect for the use and development of land. Examples include a building, subdivision, or zoning ordinance.

A **land use project** is any use or development of land by a local agency or by a private entity in accordance with regulatory approval or permitting by a local agency.

## 1.3 Governing ALUCP

Land use plans and regulations for which an application to the ALUC was deemed complete per the applicable sections of the Government Code prior to the adoption of this ALUCP will be reviewed under the previous ALUCP. Land use projects for which an application is deemed complete per the Government Code by the local agency before the adoption of this ALUCP will be reviewed under the previous ALUCP (See also **Section 1.5.5**).

## 1.4 Land Use Actions Subject to ALUCP

Review for consistency with this ALUCP is required for all new or amended land use plans, regulations, and projects within an AIA, unless exempt per **Section 1.1.2**. **Table 1-4** lists the land use plans and regulations always subject to ALUC review. **Table 1-5** lists the land use projects subject to this ALUCP, initially by the ALUC, and then by the local agency after it implements or overrules this ALUCP (See **Section 1.6**).

**TABLE 1-4**

**Land Use Plans and Regulations Always Subject to ALUC Review<sup>15</sup>**

ALUC review is always required for the following land use actions within each of the AIAs:

- Proposed adoption of or amendment to a General/Community/Specific/Precise Plan;
- Proposed adoption of or amendment to a Zoning Ordinance, including a zone reclassification;
- Proposed adoption of a local building or subdivision regulation, other than the State Building Code, which would pertain to the land use policies and standards of this ALUCP; and
- Proposed adoption of or amendment to any school district, community college district, airport or special district master plan

**TABLE 1-5**

**Land Use Projects Subject to ALUC Review until Local Agency Implements or Overrules the ALUCP<sup>15</sup>**

A proposal to establish a new land use or modify an existing land use, by any means (ministerial permit, discretionary permit, certificate of occupancy, business license, or sponsorship by a local agency), that involves the following:

- Subdivision of property;
- Construction of a new residence or nonresidential building, unless exempt per **Table 1-3, Exemptions from ALUC Review**;
- Reconstruction of or addition to an existing residence, unless exempt per **Table 1-3, Exemptions from ALUC Review**;
- Reconstruction of a building occupied by or proposed for occupancy by a nonresidential use, unless exempt per **Table 1-3, Exemptions from ALUC Review**;
- Expansion of the gross floor area of an existing building occupied by or proposed for occupancy by a nonresidential use;
- Establishment of a new use classification in the whole or part of an existing residence or nonresidential building;
- Establishment of an occupancy of land without enclosed buildings that is not a temporary use or activity exempt under **Table 1-3, Exemptions from ALUC Review**; and/or
- Land use projects for which FAA has issued a Determination of Hazard or a Determination of No Hazard to Air Navigation with marking and lighting conditions.

## 1.5 Consistency Determination Review Process

Local agencies must submit an application for consistency determination to the ALUC for proposed land use plans, regulations, and projects as required by this ALUCP.<sup>16</sup> Proposed land use plans, regulations, and projects should be referred to the ALUC at the earliest reasonable point in time so that the ALUC's review can be duly considered by the local agency prior to formalizing its decision. Depending upon the type of plan or project and the normal scheduling of meetings, ALUC review can be completed before, after, or concurrently with review by the planning commission (and other advisory bodies) but must be done before final action by the local agency.

The application for determination of consistency is published for local agency access on the ALUC website. The consistency review procedures discussed in the following sections apply.

<sup>15</sup> California Public Utilities Code §21676(b).

<sup>16</sup> California Public Utilities Code §21676

**Consistency** means being compatible with each applicable compatibility factor (noise, safety, air-space protection, and overflight). A project must comply with each applicable compatibility factor in order to be deemed consistent with the ALUCP.

### **1.5.1 Review of Application for Completeness**

ALUC staff will determine if the application for consistency determination from the local agency is complete and notify the local agency of application completeness in writing within 30 calendar days after receipt of an application.

If the application for consistency determination is incomplete, ALUC staff will identify the information required to complete the application and inform the local agency in writing. If additional information is required, a new 30-calendar day review period begins after the additional information is received by ALUC staff.

If ALUC staff does not make a written determination of completeness or identify the information required to complete the application and inform the local agency in writing within 30 calendar days after receipt of an application for consistency determination, the application is considered complete.<sup>17</sup>

### **1.5.2 Consistency Review Timeframe**

The ALUC must respond to a local agency's request for consistency determination within 60 calendar days after the local agency has received written notification from ALUC staff that the application is deemed complete by ALUC staff.

The 60 calendar-day review period may be extended if the local agency agrees in writing or verbally consents at an ALUC meeting.

If the ALUC fails to act within 60 calendar days, the proposed land use plan, regulation, or project is considered consistent with this ALUCP.<sup>18</sup>

### **1.5.3 Public Notice**

The ALUC will provide public notice as part of acting on any land use plan, regulation, or project under consideration.<sup>19</sup>

<sup>17</sup> California Government Code §65943(a) & (b).

<sup>18</sup> California Public Utilities Code §21676(d).

<sup>19</sup> California Public Utilities Code §21675.2(d).

#### 1.5.4 Consistency Determination Result

The ALUC will notify the local agency in writing of its consistency determination. A proposed land use plan, regulation, or project is determined to be one of the following:

- *Consistent with all four compatibility factors in this ALUCP.* The local agency can proceed with its decision.
- *Conditionally consistent with this ALUCP.* The local agency may proceed with its decision provided that conditions corresponding with policies and standards of this ALUCP are incorporated into the local agency decision. Responsibility to ensure compliance with conditions rests with the local agency with permit or approval authority.
- *Not consistent with this ALUCP.* The local agency may not approve the proposed land use plan, regulation, or project, unless it overrules the ALUC's finding of inconsistency in accordance with state law.<sup>20</sup>

**Exhibit 1-2** presents a flow diagram summarizing the consistency determination review process.

#### 1.5.5 Changes to Land Use Projects with Previous Consistency Determinations

An ALUC consistency determination does not expire but is limited to the project plans and description submitted with its application as reviewed by the ALUC. Land use projects with consistency determinations require additional consistency review if any of the following changes occur prior to issuance of permits by a local agency:

- An increase in the proposed residential density (not including accessory dwelling units) or nonresidential intensity;
- A change to or addition of a new land use per **Table 2** or **Table 3**;<sup>21</sup>
- An increase in proposed height; and/or
- An addition of a characteristic that would create a hazard to air navigation (e.g., glare, thermal plumes, wildlife attractants)<sup>22</sup> or adversely impact airport operations (see **Chapter 4**).

A consistency determination is transferable to a modified project only if there are no changes as listed in any of the preceding bullets. Any change in these characteristics requires a new consistency determination prior to issuance of permits by a local agency.

An approved long-term project (e.g., a specific plan, master plan, precise plan, large subdivision of multiple phases, or functionally comparable discretionary permit or action, and any subsequent implementing permit or action for that project) is subject to the ALUCP in effect at the time the first such permit or approval was issued by the local agency, provided all of the following exist:

<sup>20</sup> California Public Utilities Code §21675.1(d).

<sup>21</sup> See Chapter 2, Safety Compatibility Policies and Standards and Chapter 3, Noise Compatibility Policies and Standards.

<sup>22</sup> See Chapter 4, Airspace Protection Policies.



1. Final local agency approval of the original project occurred prior to the effective date of this ALUCP;
2. The ALUC issued a consistency determination for the original approval (if the project site was within an AIA requiring ALUC review under the previous ALUCP);
3. The original permit or approval has not expired nor been rescinded;
4. The original permit has not changed per the four bulleted items at the beginning of **Section 1.5.5**;
5. The project sponsor has exercised reasonable good faith efforts to implement the project, such as pursuing other required permits and approvals (e.g., subsequent or additional CEQA documents or resource agency permits); preparing architectural or engineering plans; or constructing infrastructure improvements (e.g., roadways, storm drains, parks, sewer, water or other utilities); and
6. The local agency has approved an implementing permit or action for the project no more than five years prior to the effective date of this ALUCP.

## 1.6 Local Agency Implementation

### 1.6.1 Local Agency Requirements and Responsibilities

Within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:<sup>23</sup>

- Amend its land use plans and regulations to be consistent with this ALUCP, if needed; or
- Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law (See **Section 1.5.4**).<sup>24</sup>

Until the local agency either acts to make its land use plans and regulations consistent with this ALUCP or overrules the ALUCP, the ALUC review procedures detailed in **Section 1.4** and **Section 1.5** remain in effect.

### 1.6.2 Establishing Consistency of Local Agency Land Use Plans and Regulations

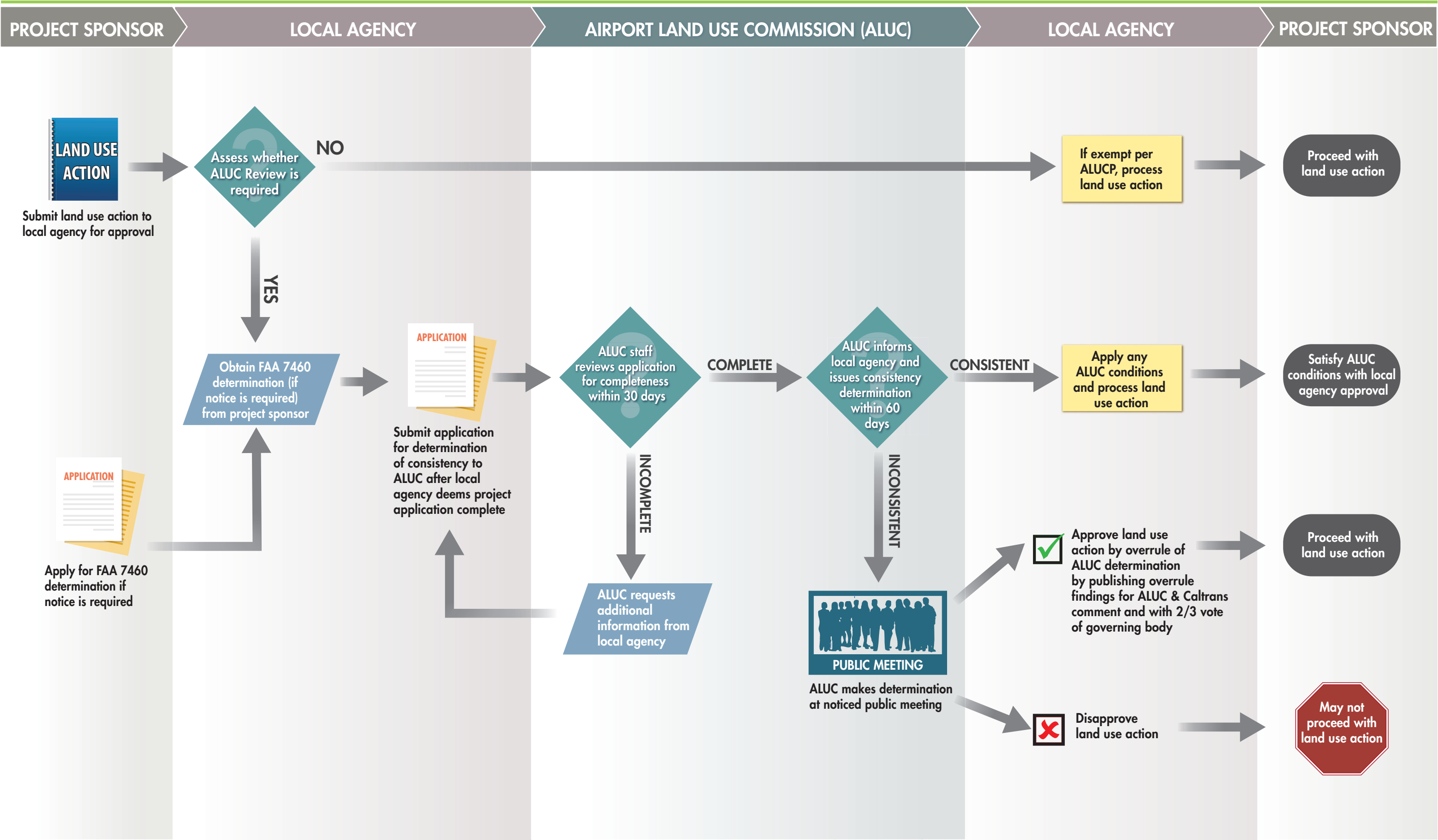
To establish consistency of land use plans and regulations with this ALUCP, local agencies must eliminate conflicts with this ALUCP. Conflicts may include:

- Land use plan or zoning designations that permit incompatible uses within noise contours or safety zones;
- Permissible residential densities and nonresidential intensities that exceed this ALUCP's density and intensity limits in any safety zone; and/or
- Permissible heights that would constitute a hazard as determined by the FAA.

<sup>23</sup> California Government Code §65302.3(a), (b) and (c).

<sup>24</sup> California Public Utilities Code §21675.1(d).





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Land use designations in local agency land use plans that reflect existing land uses do not render the local agency plans inconsistent with this ALUCP. However, local agencies must limit the expansion and reconstruction of existing land uses in accordance with the policies and standards of this ALUCP (see **Section 1.3, Policy S.9, and Policy N.4**).

Local agency land use plans and regulations must include provisions for long-term compliance with this ALUCP. Local agencies must define the process they will follow when revising or amending land use plans and regulations or when reviewing and approving land use projects within the AIA to ensure consistency with this ALUCP. Land use plans and regulations, including zoning, subdivision, and building regulations, must include standards for reviewing land use projects for consistency with this ALUCP. More information regarding implementation can be found in **Appendix B** of the **Rural Airport ALUCPs Technical Appendices**.

### 1.6.3 Methods of Implementing this ALUCP

A local agency can make its land use plans and regulations consistent with this ALUCP in the following ways:

- Incorporate ALUCP policies into General Plan Elements—Individual elements of local general plans may be amended to incorporate applicable policies from this ALUCP. For example, noise compatibility policies and standards could be added to the noise element; safety policies to the safety element; and other policies, standards and maps to the land use element.
- Adopt ALUCP as an Overlay Zone—Local agencies may incorporate the policies and standards of this ALUCP into an overlay zone to supplement the requirements of the standard land use zoning districts.

An **overlay zone** is a special purpose zoning district. The regulations within an overlay zone supplement the requirements of the underlying standard zoning districts (typically residential, commercial, or industrial). Overlay zones are used to achieve a special purpose, such as flood hazard protections or the preservation of a historic district, without directly changing the underlying land use in the affected area.

If the local agency's land use plans and regulations are consistent with this ALUCP, no action to adopt additional policies or regulations is required. However, only the ALUC can determine whether or not a local agency's land use plans and regulations are consistent with this ALUCP.

#### 1.6.4 Local Agency Overrule

A local agency can overrule the entire ALUCP, a part of the ALUCP, or any ALUC determination of inconsistency by approval with a two-thirds majority vote of its governing body. The overrule decision must include findings describing how the local agency's current land use plans, regulations, proposed plan or regulatory amendments, or proposed projects are consistent with the purposes of the airport land use compatibility planning statute as stated in California Public Utilities Code, Section 21670. Notice of any overrule consideration must be provided to Caltrans Aeronautics Division and the ALUC at least 45 days prior to the decision to overrule the ALUC in order to provide those agencies a chance to comment on the findings of a proposed overrule decision, and any comments from Caltrans Aeronautics Division and the ALUC must be included in the record and considered by the local agency prior to the local agency making an overrule decision.<sup>25</sup>

### 1.7 ALUC Review of Proposed Airport Plans and Projects

The ALUC is required by state law to review proposed airport plans and projects (as defined in **Section 1.7.1** below) for consistency with this ALUCP.<sup>26</sup> This requirement ensures that the ALUC is kept informed of changes to airport plans so that appropriate amendments to this ALUCP can be made, if necessary.

#### 1.7.1 Airport Plans and Projects

The following airport plans and projects require ALUC review:<sup>26</sup>

- Any airport master plan, amendments to an airport master plan, or airport layout plan that would modify previously adopted airport plans.
- Any proposal for airport expansion or change to the traffic pattern if it requires an amended Airport Permit from the State of California.<sup>27</sup> Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, construction or relocation of a helipad at an existing airport covered under the plan, the acquisition of runway protection zones, or the acquisition of any interest in land for the purposes identified above.
- Land use projects involving development of airport property for any use other than aviation uses.

**Aviation uses** are airport facilities and activities directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft. Aviation uses include runways and taxiways and their respective protection areas as defined by the FAA as well as aircraft aprons, hangars, tie-down spaces, air traffic control facilities, fixed-based operator facilities, and terminal buildings.

<sup>25</sup> California Public Utilities Code §§21676(a) and 21676.5.

<sup>26</sup> California Public Utilities Code §21676(c).

<sup>27</sup> California Public Utilities Code §21664.5.

### **1.7.2 ALUC Actions on Airport Plans**

After adoption by the airport operator and approval by the FAA, any airport master plan or airport layout plan must be referred to the ALUC in order to determine if the ALUCP remains consistent with the airport plan. When an inconsistency exists, the ALUC will amend this ALUCP to reflect the assumptions and proposals in the airport plans.<sup>28</sup>

### **1.7.3 Consistency Determination Result**

A proposed airport plan or project is determined to be one of the following:

- Consistent: no changes necessary to this ALUCP
- Inconsistent: the ALUC must amend this ALUCP

Non-aviation uses are determined to be one of the following:

- Consistent: the plan or project may proceed
- Conditionally consistent: the plan or project may proceed with conditions as per the policies and standards of this ALUCP
- Inconsistent: the plan or project may not proceed unless the local agency operating the airport overrules the ALUC's finding of inconsistency

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<sup>28</sup> California Public Utilities Code §21675(a).

## Chapter 2

### SAFETY COMPATIBILITY POLICIES AND STANDARDS

As depicted on **Exhibit 2**, the safety areas for Jacumba Airport do not extend off airport property and are not subject to this ALUCP; therefore, the safety compatibility policies and standards only apply to non-aviation uses on airport property.

Chapter 2 provides safety compatibility policies and standards. **Appendix D** of the **Rural Airport ALUCPs Technical Appendices** provides the technical basis for delineating the safety zones for each respective airport and establishing the policies and standards. In addition to the policies and standards established by this chapter, a land use action is subject to all other policies and standards established by this ALUCP. The policies of this chapter apply to new development, redevelopment, or changes to existing structures, unless exempt per **Section 1.1.2** in **Chapter 1** (See **Section 1.4**).

A list of the safety compatibility policies is provided below:

|             |   |
|-------------|---|
| Policy S.1  | Safety Zone Map and Compatibility Standards Table               |
| Policy S.2  | Land Uses Not Specified in Safety Compatibility Standards Table |
| Policy S.3  | Density Bonus   |
| Policy S.4  | Accessory Dwelling Units  |
| Policy S.5  | Nonresidential Projects with a Single Use                       |
| Policy S.6  | Nonresidential Projects with Multiple Uses                      |
| Policy S.7  | Mixed Residential and Nonresidential Use Projects               |
| Policy S.8  | Ancillary Uses  |
| Policy S.9  | Enlargement or Reconstruction of Existing Buildings             |
| Policy S.10 | New Uses in Existing Buildings                                  |
| Policy S.11 | Building Located Partially Within a Single Safety Zone          |
| Policy S.12 | Building Located Within Two or More Safety Zones                |
| Policy S.13 | Building Located Equally Within Two or More Safety Zones        |

The safety compatibility standards of this ALUCP provide maximum residential density and nonresidential intensity limits that are compatible within each of the safety zones.

#### Policy S.1 Safety Zone Map and Compatibility Standards Table

This ALUCP establishes the safety zones where safety policies and standards apply for Jacumba Airport. **Exhibit 2** depicts the safety zones as a graphic illustration for general planning guidance. The actual safety zones are maintained in a geographic information system (GIS) tool managed by the ALUC and accessible on the ALUC website for specific site planning.

**Table 2** establishes the standards that apply to the compatibility of specific land use categories within each safety zone. Multiple categories may apply to a project.



**TABLE 2**  
**Safety Compatibility Standards**

| Safety Compatibility Standards   |                           |   |                              |                             |                             |                            |   |
|--|---------------------------|---|------------------------------|-----------------------------|-----------------------------|----------------------------|---|
| Legend   |                           |   |                              |                             |                             |                            |   |
|  | Compatible:               | Use is acceptable within the specified safety zone without any limitations (noise, airspace protection, and/or overflight factors also apply)                           |                              |                             |                             |                            |   |
|  | Conditionally Compatible: | Use is acceptable within the specified safety zone at the density or intensity limitations specified (noise, airspace protection, and/or overflight factors also apply) |                              |                             |                             |                            |   |
|  | Incompatible:             | Use is not acceptable within the specified safety zone  |                              |                             |                             |                            |   |
| Land Use Types<br><i>Note: Multiple categories may apply to a project</i>  |                           | Safety Zone   |                              |                             |                             |                            | Conditions<br><br><i>Criteria for Conditionally Compatible (yellow) Uses</i>  |
|  |                           | 1   | 2                            | 3                           | 4                           | 5                          |   |
| RESIDENTIAL USES   |                           |   |                              |                             |                             |                            |   |
| Single /multiple-unit dwelling with individual unit kitchen, including accessory bed & breakfast/agricultural homestay ≤5 bedrooms |                           |   | 1 dwelling unit per 10 acres | 8 dwelling units per 1 acre | 8 dwelling units per 1 acre | 1 dwelling unit per 1 acre | Construction of a single residential unit, including an accessory dwelling unit, is compatible on a legal lot of record existing and zoned for residential use by the local agency as of the effective date of this ALUCP with conditions per <b>Section 1.2.</b> |
| Group Quarters (not under care; common kitchen): halfway/settlement house, transitional living/rehab facility, dormitory           |                           |   |                              |                             |                             |                            | NA  |
| NONRESIDENTIAL USES  |                           |   |                              |                             |                             |                            |   |
|  |                           | 1   | 2                            | 3                           | 4                           | 5                          | Occupancy Factor<br>(square feet per person)<br><br>Conditions<br><br>Criteria for Conditionally Compatible (yellow) Uses   |
|  |                           | 0 people  | 60 people per acre           | 120 people per acre         | 150 people per acre         | 150 people per acre        |   |
| Assembly Facilities  |                           |   |                              |                             |                             |                            |   |
| Indoor or Outdoor Spectator Assembly (≥500 people): amphitheaters, stadiums, racetracks, sports arena                              |                           |   |                              |                             |                             |                            | NA  |
| Outdoor Assembly (spectator seating <500 people): community swimming pools, multi-field sport complexes, wedding pavilion          |                           |   |                              |                             |                             |                            | NA  |

**TABLE 2 (Continued)**  
**Safety Compatibility Standards**

| Land Use Types / Typical Uses<br><i>Note: Multiple categories may apply to a project</i>   | Safety Zone          |                                |                                 |                                 |                                 | Occupancy Factor<br>(square feet per person)<br><b>Conditions</b><br><b>Criteria for Conditionally Compatible (yellow) Uses</b> |
|--|----------------------|--------------------------------|---------------------------------|---------------------------------|---------------------------------|---|
|  | 1<br><i>0 people</i> | 2<br><i>60 people per acre</i> | 3<br><i>120 people per acre</i> | 4<br><i>150 people per acre</i> | 5<br><i>150 people per acre</i> |   |
| Low Intensity Outdoor Open Space (no spectator seating): golf course/driving range, tennis court (≤2 courts), passive park (no playground equipment or skating ramp), nature/wildlife reserve, riding course, cemetery/graveyard (no chapel) |                      |                                |                                 |                                 |                                 | NA  |
| High Intensity Outdoor Recreation (no spectator seating): active park (with playground equipment), campground/RV park, archery/shooting range  |                      |                                |                                 |                                 |                                 | NA  |
| Indoor Assembly (<500 people): theaters, places of religious assembly, bowling alley, sport/fitness facility, fraternal lodge, funeral parlor  |                      |                                |                                 |                                 |                                 | NA  |
| <b>Office, Commercial, Service, and Lodging Uses</b>   |                      |                                |                                 |                                 |                                 |   |
| Eating/Drinking Establishments (includes kitchen, food storage, waiting area, indoor/outdoor seating)  |                      |                                |                                 |                                 |                                 | NA  |
| Retail Stores: convenience market, drugstore, grocery store, specialty retail sales  |                      |                                |                                 |                                 |                                 | 170   |
| Low-Intensity Outdoor-Oriented Retail or Wholesale Trade: automobiles, heavy equipment, nurseries and greenhouses, lumber yards  |                      |                                |                                 |                                 |                                 | NA  |
| Office Buildings: medical/dental offices, financial institutions, professional services, civic buildings   |                      |                                |                                 |                                 |                                 | 215   |
| Service Uses: personal, automobile s, pet, or business services, self-service laundry, dry cleaning pick-up/drop-off (work done off-premises), full-service car wash   |                      |                                |                                 |                                 |                                 | 170   |
| Car Wash (self-service or stand-alone automatic)   |                      |                                |                                 |                                 |                                 | NA  |
| Fuel sales: gas station, propane tank sales/rental   |                      |                                |                                 |                                 |                                 | NA  |
| Hotels, motels, resorts (stays <30 consecutive days)   |                      |                                |                                 |                                 |                                 | 200   |

**TABLE 2 (Continued)**  
**Safety Compatibility Standards**

| Land Use Types / Typical Uses<br><i>Note: Multiple categories may apply to a project</i>  | Safety Zone |                          |                              |                              |                           | Occupancy Factor<br>(square feet per person)<br><b>Conditions</b><br><b>Criteria for Conditionally Compatible (yellow) Uses</b> |
|---|-------------|--------------------------|------------------------------|------------------------------|---------------------------|---|
|   | 1           | 2                        | 3                            | 4                            | 5                         |   |
|   | 0<br>people | 60<br>people<br>per acre | 120<br>people<br>per<br>acre | 150<br>people<br>per<br>acre | 150<br>people<br>per acre |   |
| <b>Industrial, Manufacturing, and Storage Uses</b>  |             |                          |                              |                              |                           |   |
| Processing, Bulk Storage (≥10,000 gallons) or Use of Hazardous Materials  |             |                          |                              |                              |                           | NA  |
| Manufacturing, Industrial Processing, Research & Development  |             |                          |                              |                              |                           | 300   |
| Industrial Outdoor Storage (except hazardous uses): public works yard, auto wrecking yard, boat/RV storage, construction contractor material storage, recyclables collection facility (no food waste, compost, or processing) |             |                          |                              |                              |                           | NA  |
| Self-Storage, Warehouse, Distribution Facilities (no employee work stations inside)   |             |                          |                              |                              |                           | NA  |
| <b>Educational and Institutional Uses</b>   |             |                          |                              |                              |                           |   |
| Adult Schools: college/university, vocational/trade school  |             |                          |                              |                              |                           | NA  |
| Children Schools: kindergarten – 12 <sup>th</sup> grade   |             |                          |                              |                              |                           | NA  |
| Commercial Day Care Centers (≥ 14 children)   |             |                          |                              |                              |                           | NA  |
| Cultural Facilities: library, museum, gallery   |             |                          |                              |                              |                           | NA  |
| Medical Facilities (patient unconscious); hospitals/in-/out-patient surgery center, psychiatric care facility   |             |                          |                              |                              |                           | NA  |
| Congregate Care Facilities (≥ 7 people under care): nursing/assisted living facility, foster childcare facility   |             |                          |                              |                              |                           | NA  |
| Emergency Services Facilities: police station, fire station   |             |                          |                              |                              |                           | 215   |
| Inmate Facilities; jail, prison, detention facility   |             |                          |                              |                              |                           | NA  |

**TABLE 2 (Continued)**  
**Safety Compatibility Standards**

| Land Use Types / Typical Uses<br><i>Note: Multiple categories may apply to a project</i>   | Safety Zone |                          |                              |                              |                           | Occupancy Factor<br>(square feet per person)<br><b>Conditions</b><br><b>Criteria for Conditionally Compatible (yellow) Uses</b> |
|--|-------------|--------------------------|------------------------------|------------------------------|---------------------------|---|
|  | 1           | 2                        | 3                            | 4                            | 5                         |   |
|  | 0<br>people | 60<br>people<br>per acre | 120<br>people<br>per<br>acre | 150<br>people<br>per<br>acre | 150<br>people<br>per acre |   |
| Transportation, Communication, and Utilities   |             |                          |                              |                              |                           |   |
| Passenger Transportation Terminals: transit center/rail station, bus depot   |             |                          |                              |                              |                           | NA  |
| Truck Terminals (no passengers)  |             |                          |                              |                              |                           | 1,000   |
| Automobile Parking Structures  |             |                          |                              |                              |                           | NA  |
| Automobile Parking Surface Lots, Fleet Storage, Impound Lots   |             |                          |                              |                              |                           | Only in “controlled activity area” outside the “central portion” of RPZ   |
| Street/Highway Rights-of-Way/Railroads/<br>Public Transit Lines  |             |                          |                              |                              |                           | NA  |
| Utilities: power plant, electrical substation, transmission/distribution line towers, emergency communications facility, sanitary landfill, dump, incineration plant, composting operations, animal/food waste processing and transfer stations, water/wastewater pump station, storage tank/reservoir, treatment plant, disposal facility |             |                          |                              |                              |                           | NA  |
| Antennas & Renewable Energy Facilities: cell phone towers, radio/TV transmission antennas, solar/photovoltaic arrays, wind turbines  |             |                          |                              |                              |                           | NA  |
| Agriculture, Horticulture, Floriculture, and Forestry  |             |                          |                              |                              |                           | NA  |
| Aquaculture/Hydroponics (enclosed structures only)   |             |                          |                              |                              |                           | NA  |
| Mining: sand, gravel, clay, mineral/ore, oil/gas, groundwater extraction, quarry, rock crushing, asphalt paving or concrete batch plant  |             |                          |                              |                              |                           | NA  |

## **Policy S.2 Land Uses Not Specified in Safety Compatibility Standards Table**

For any proposed land use that is not specified in **Table 2**, the ALUC (or local agency, if that agency has implemented this ALUCP) must determine and apply the standards for consistency review of the most similar land use based upon the land use classification guidance in **Appendix A** of the **Rural Airport ALUCPs Technical Appendices**. Considerations include the following:

- the degree of concentration of people within a limited area (such as a restaurant compared to a warehouse), whose volume can impede swift evacuation in the event of an aviation accident;
- the degree of openness and coverage of land (such as passive recreational fields compared to offices), which can limit options where aircraft in distress can attempt an emergency landing;
- the presence of less-mobile, vulnerable occupants (such as children, the elderly, or incarcerated individuals) that cannot be readily evacuated in the event of an aviation accident;
- the presence of hazardous materials, which could release contained substances and pose danger to people nearby in the event of an aviation accident; and
- the presence of critical community infrastructure (such as major utilities), which could cause widespread impacts to the public-at-large beyond just the immediate facility in the event of damage by an aviation accident.

## **2.1 Residential Land Uses**

The average residential density of a proposed land use project is determined by dividing the number of proposed dwelling units by the acreage of the project site. Rounding up to the next whole unit is to be done for up to two digits beyond a decimal. For example, 6.48 units rounds to 7 units. The calculated density for the proposed land use project is compared to the maximum density from **Table 2** to determine if it is compatible.

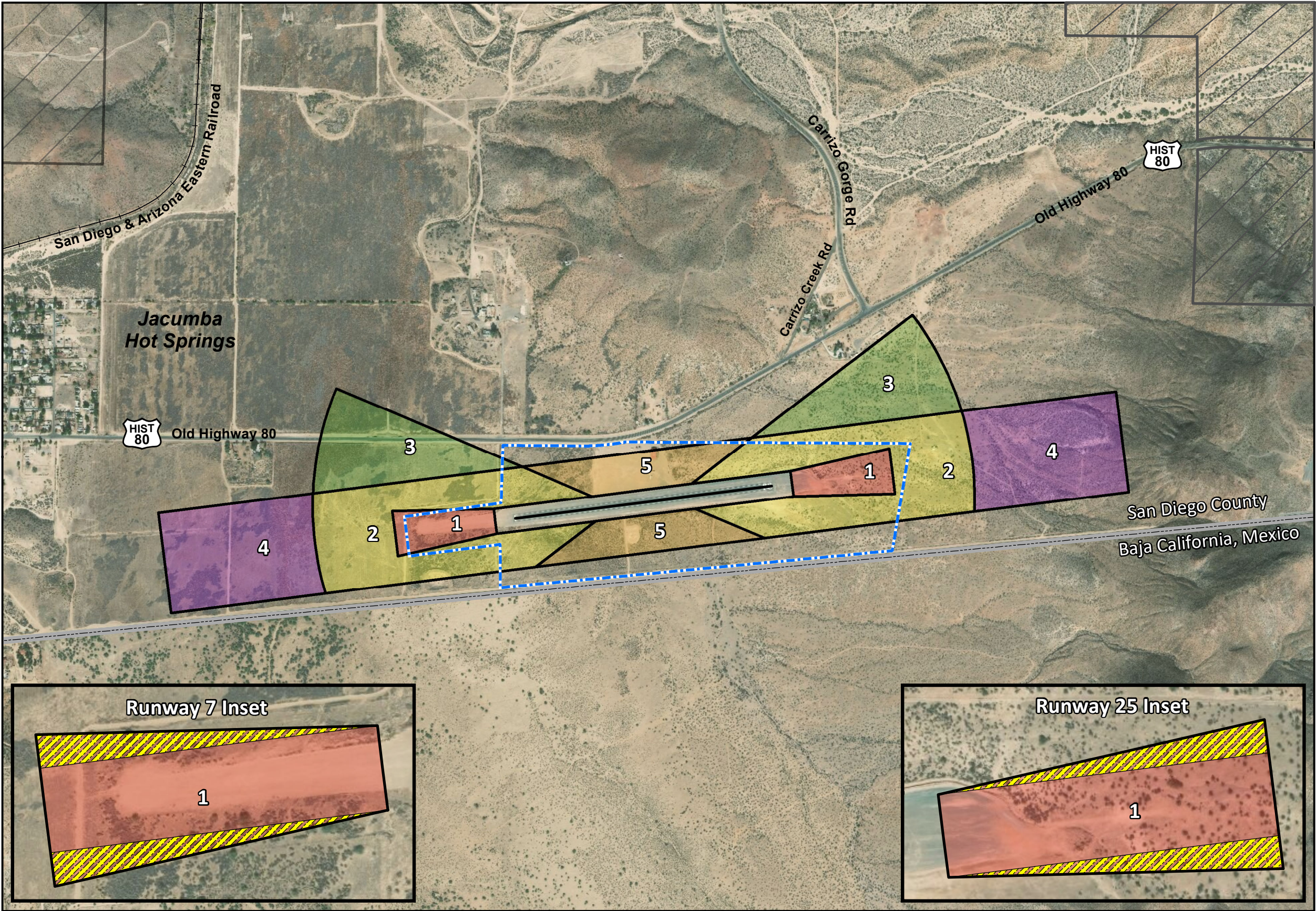
### **Policy S.3 Density Bonus**

The maximum compatible residential densities established in **Table 2** include any density bonuses that local agencies may provide for affordable housing developed in accordance with state law or local ordinance. Land use projects with density bonuses cannot exceed the maximum compatible densities established in **Table 2**.

### **Policy S.4 Accessory Dwelling Units**

Accessory dwelling units, as defined by state law, are not included in calculating the density of a proposed land use project.





**LEGEND**

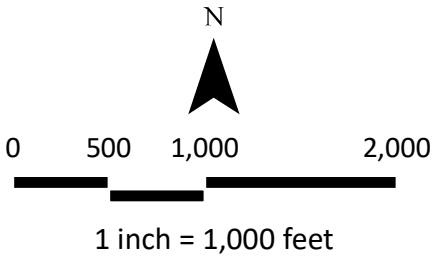
- Runway Centerline
- Airport Property
- Controlled Activity Area<sup>1</sup>
- Federal/State/Tribal Lands<sup>2</sup>
- Safety Zones
  - 1. Runway Protection Zone
  - 2. Inner Approach / Departure Zone
  - 3. Inner Turning Zone
  - 4. Outer Approach / Departure Zone
  - 5. Sideline Zone
- County/Intl. boundary

<sup>1</sup>In addition to limitations established by this ALUCP, the Federal Aviation Administration (FAA) Advisory Circular 150/5300-13, Section 212.a(2)(a) restricts land uses within the Runway Protection Zone (RPZ).

<sup>2</sup>State and Federal lands compiled from Parks (state and federal), Tribal Lands, National Forest, and Military Facility shapefiles downloaded from SanGIS (not subject to ALUC review, see policy 1.1.1).

Data Source: ESRI Basemap Imagery (2016), San Diego County GIS (SanGIS): Parcels (2016), Major Roads (2016).

Source: ESRI Basemap Imagery 2014, Streets 2015, San Diego County GIS (SanGIS): Parcels (2016), Major Roads (2016).



Jacumba Airport  
Safety Zones



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## 2.2 Nonresidential Land Uses

Areas devoted to parking (whether above/below ground or enclosed) are not to be included in the gross floor area of the building and, therefore, are not considered in the calculation of intensity.

### Policy S.5 Nonresidential Projects with a Single Use

The total intensity of a nonresidential project must not exceed the maximum compatible intensity for the use as shown in **Table 2**. To determine the number of people occupying the use, divide the gross floor area of the building by the occupancy factor shown in **Table 2**. Rounding up to a whole figure is to be done for the two digits beyond a decimal. For example, 12.45 occupants will round up to 13 occupants. Then, the total number of occupants is divided by the acreage of the project site to determine intensity. Rounding up to a whole figure is to be done for up to two digits beyond a decimal. For example, 4.73 people per acre round to 5 people per acre.

#### Example Calculation

Project Description: Construction of a 2,250-square-foot retail store on 1.8-acre site in Zone 2.

Based on **Table 2**, the occupancy factor for a retail land use is 170 square feet (sf)/person.

$2,250 \text{ sf} \div 170 \text{ sf/occupant} = 13.2 \text{ occupants}$

Intensity of the project:

$13 \text{ total occupants (people)} \div 1.8 \text{ acres} = 7 \text{ people/acre}$

### Policy S.6 Nonresidential Projects with Multiple Uses

The total intensity of a project with a mix of nonresidential uses must not exceed the maximum compatible intensity as shown in **Table 2**. The number of people occupying each component use is calculated separately. The total number of occupants is then divided by the acreage of the project site to determine intensity.

#### Example Calculation

Project Description: Construction of a building with 8,000 sf of office space and 2,250 sf of retail store space on a 10.7-acre site in Zone 3.

Office Space: Based on **Table 2**, the occupancy factor for office land use is 215 sf/person.

$8,000 \text{ sf} \div 215 \text{ sf/occupant} = 37 \text{ occupants}$

Retail Space: Based on **Table 2**, the occupancy factor for a retail land use is 170 sf/person.

$3,500 \text{ sf} \div 170 \text{ sf/occupant} = 20.6 \text{ occupants} \approx 21 \text{ occupants}$

Intensity of the project:

$37 \text{ (Office Space)} + 21 \text{ (Retail Space)} = 58 \text{ total occupants (people)} \div 10.7 \text{ acres} = 5 \text{ people/acre}$

## 2.3 Mixed Uses

### Policy S.7 Mixed Residential and Nonresidential Use Projects

When determining the density and intensity of a proposed project with a mix of residential and nonresidential, the site area will be proportioned based on the building area devoted to each type of use. For example, a mixed residential and nonresidential use development on a four-acre parcel comprised of 25 percent commercial and 75 percent residential would be evaluated as one acre of commercial and three acres of residential. Each area will be compared to **Table 2** based on the proposed land use (for residential, dwelling units per acre, and for nonresidential, people per acre). For purposes of this ALUCP, live/work projects are to be counted as residential units.

## 2.4 Supplemental Safety Compatibility Policies

### Policy S.8 Ancillary Uses

Ancillary uses cumulatively occupying no more than 10 percent of the gross floor area of a building may be excluded in the calculation of intensity, provided that each ancillary use is compatible or conditionally compatible according to **Table 2**. Any ancillary use that is considered as incompatible per **Table 2** is not acceptable.

An **ancillary use** is a complementary addition to serve the employees/residents/occupants of a primary use on a parcel but could otherwise function independently of the primary use. As examples, a coffee and pastry counter may be an ancillary use to a primary office use (rather than a separate eating and drinking establishment), but a kitchen, waiting area, food storage, and outdoor seating areas are not ancillary to an eating and drinking establishment because they are integral components of the latter rather than stand-alone uses.

### Policy S.9 Enlargement or Reconstruction of Existing Building

Enlargement of the gross floor area or reconstruction of an existing building is subject to the maximum compatible intensities of **Table 2**. An existing land use which either exceeds the maximum compatible residential density and/or nonresidential intensity levels or is designated an incompatible use in its safety zone location per **Table 2** may not be enlarged and may be reconstructed up to the respective density or intensity previously existing only if destroyed by calamity.

A **calamity** is an extreme loss due to fire or a natural disaster such as earthquake, flood, or landslide.

## Policy S.10 New Uses in Existing Buildings

Consistency review is required when a new use is proposed within an existing building. A new use is defined as a change in occupancy factor as shown in **Table 2**. When determining the density or intensity for new uses in existing buildings, the lot size for the use will be calculated based on the percentage of the gross floor area allocated for the use under consideration. For example, if a use occupies 25 percent of a building on a five-acre lot, the lot size for density or intensity calculation would be 0.375 acres ( $5 \times 0.25 = 0.375$ ).

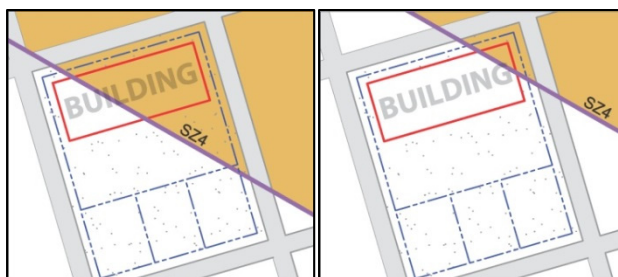
**Nonresidential Projects:** The maximum intensity for conditionally compatible projects is limited as described in **Policy S.5** and **Policy S.6**.

**Residential Projects:** The total density of a conditionally compatible residential project must not exceed the maximum density as shown in **Table 2**, except for construction of a single residential unit, including accessory dwelling unit, on a legal lot existing and zoned for residential use by the local agency as of the effective date of this ALUCP described in **Section 1.2** in **Chapter 1**.

**Mixed Residential and Nonresidential Use Projects:** Mixed residential and nonresidential projects will be evaluated as described in **Policy S.7**.

## Policy S.11 Building Located Partially Within a Single Safety Zone

When 50 percent or more of the building, as determined by gross floor area, is located within a safety zone, the requirements of that safety zone apply. When more than 50 percent of the building is located outside a safety zone, no safety restrictions apply. However, no building or portion of a building is compatible within Safety Zone 1.



For Illustrative Purposes Only

### **Policy S.12 Building Located Within Two or More Safety Zones**

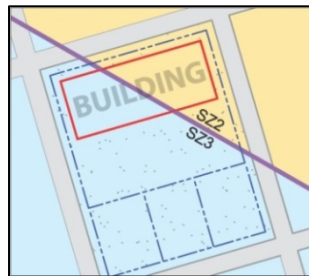
When a building is located within two or more safety zones, the standards of the safety zone where the greatest portion of the building (as determined by gross floor area) is located apply. However, no building or portion of a building is compatible within Safety Zone 1.



For Illustrative Purposes Only

### **Policy S.13 Building Located Equally Within Two or More Safety Zones**

When a building is located equally within two or more safety zones, the standards of the most restrictive safety zone where the building is located apply. However, no building or portion of a building is compatible within Safety Zone 1.



For Illustrative Purposes Only



## Chapter 3

### NOISE COMPATIBILITY POLICIES AND STANDARDS

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As depicted on **Exhibit 3**, no noise contours of 60 dB CNEL or higher were generated by the model for Jacumba Airport; therefore, no noise compatibility policies or standards apply for this ALUCP. See **Appendix E** of the **Rural Airport ALUCPs Technical Appendices** for the technical basis for delineating noise contours.

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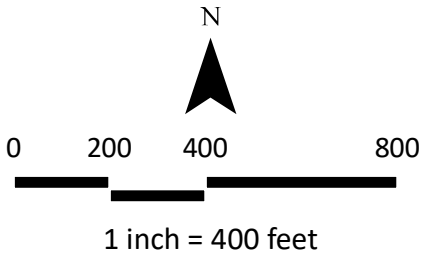




LEGEND

- Runway Centerline
- Airport Property
- County/Intl. boundary

<sup>1</sup>Coffman Associates Analysis. AEDT version 2d. 20 year forecast.  
Data Source: ESRI Basemap Imagery (2016), San Diego County GIS (SanGIS): Parcels (2016), Major Roads (2016).



Jacumba Airport  
Noise Contours



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## Chapter 4

# AIRSPACE PROTECTION POLICIES AND STANDARDS AND OVERFLIGHT NOTIFICATION POLICY

Chapter 4 provides airspace protection policies and standards and an overflight notification policy. **Appendix F** of the **Rural Airport ALUCPs Technical Appendices** provides the technical basis for delineating the airspace protection and overflight boundaries for each respective airport and establishing the policies. In addition to the policies established by this chapter, a land use action is also subject to all other policies and standards established by this ALUCP. The policies of this chapter apply to new development, redevelopment, and changes to existing structures, unless exempt per **Section 1.1.2** in **Chapter 1** (See **Section 1.4**).

A list of the airspace protection and overflight compatibility policies for each respective airport is provided below:

| Airspace                |   |
|-------------------------|---|
| Policy A.1              | Airspace Protection and Overflight Boundaries |
| Policy A.2              | FAA Notification Requirements                 |
| Policy A.3              | Compatible Structures/Objects                 |
| Policy A.4              | Conditionally Compatible Structures/Objects   |
| Policy A.5              | Incompatible Structures/Objects               |
| Policy A.6              | Standards for the Protection of Flight Safety |
| Overflight Notification |   |

## AIRSPACE PROTECTION POLICIES

### Policy A.1 Airspace Protection and Overflight Boundaries

This ALUCP establishes the airspace protection and overflight boundaries for Jacumba Airport. The airspace protection and overflight boundary are shown in **Exhibit 4**.

### Policy A.2 FAA Notification Requirements

Sponsors of proposed construction/alteration of permanent or temporary structures/objects, including utilities (such as cell phone towers, wind turbines, or solar arrays) or construction cranes, must file with the FAA a Notice of Proposed Construction or Alteration (FAA Form 7460-1) if either of the following apply:<sup>1</sup>

- The project is located within the boundary depicted on **Exhibit 4**, or
- Any component of the project is taller than 200 feet (ft) regardless of location.<sup>2</sup>

<sup>1</sup> 14 CFR §77.9

<sup>2</sup> 14 CFR §77.11



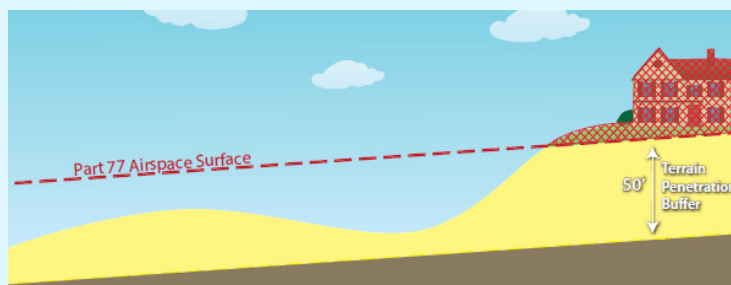
For additional information on governing federal and state airspace considerations, see **Appendix F** of the **Rural Airport ALUCPs Technical Appendices**. To confirm whether notice must be provided to the FAA, project sponsors may use the FAA Notice Criteria Tool.<sup>3, 4</sup>

A copy of FAA Form 7460-1 with instructions is included in **Appendix B** of the **Rural Airport ALUCPs Technical Appendices**. If FAA review is required, a copy of the FAA Notice of Determination letter must be included with any ALUC application for determination of consistency.

## 4.1 Compatibility of Structures/Objects

After receiving a FAA Form 7460-1, the FAA undertakes an obstruction evaluation and aeronautical study to determine the effect of the proposed structure/object on the use of airspace. Through its study, the FAA determines if the proposed structure/object would be an obstruction to air navigation, a hazard to air navigation, or neither.

An **obstruction** is an object that, upon evaluation, is determined by the FAA to require proper marking, lighting and identification in aeronautical publications so that it may be easily recognized by pilots of aircraft navigating through the airspace. FAA obstruction standards are defined in Title 14, Code of Federal Regulations (CFR) Part 77 (Part 77), Subpart C.



A **hazard** is an obstruction or other adverse object that FAA aeronautical study concludes would have a “substantial adverse effect” to a “significant volume of aeronautical operations” as defined in FAA Order JO 7400.2M, *Procedures for Handling Airspace Matters*.<sup>\*</sup> Objects that are hazards to navigation have been so determined because they are not sufficiently clear from the normal pathways of aircraft, would affect the useable length of an existing or planned runway, or because they result in certain other adverse effects, such as electromagnetic interference, control tower visibility hindrances, or pilot distraction.

<sup>\*</sup> §§ 6-3-4 and 6-3-5 (effective February 28, 2019)

<sup>3</sup> <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

<sup>4</sup> [https://oeaaa.faa.gov/oeaaa/external/content/deskReferenceGuides/Add%20a%20new%20Case%20Off%20Airport%20-%20Desk%20Refer-](https://oeaaa.faa.gov/oeaaa/external/content/deskReferenceGuides/Add%20a%20new%20Case%20Off%20Airport%20-%20Desk%20Reference%20Guide%20V_2017.4.0.pdf)  
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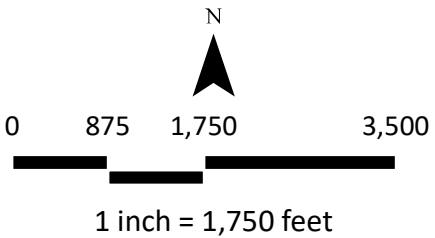
LEGEND

- Runway Centerline
- Airport Property
- Federal/State/Tribal Lands<sup>1</sup>
- AIA, Airspace Protection & Overflight Boundaries<sup>2</sup>
- County/Intl. Boundary

<sup>1</sup>State and Federal lands compiled from Parks (state and federal), Tribal Lands, National Forest, and Military Facility shapefiles downloaded from SanGIS (not subject to ALUC review, see policy 1.1.1).

<sup>2</sup>Airspace Protection boundary drawn from outer edges of the 14 CFR Part 77 Conical Surface. See 14 CFR, Subchapter E, Part 77, §77.25.

Data Source: ESRI Basemap Imagery (2016), San Diego County GIS (SanGIS): Parcels (2016), Major Roads (2016).



Jacumba Airport

AIA, Airspace Protection,  
& Overflight Boundaries



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### **Policy A.3 Compatible Structures/Objects**

A proposed structure/object is compatible with the airspace policies of this ALUCP if the FAA issues a Determination of No Hazard to Air Navigation for the project.

### **Policy A.4 Conditionally Compatible Structures/Objects**

If a proposed structure/object is determined by the FAA to be an obstruction, it may be made conditionally compatible with this ALUCP if both of the following apply:

1. The proposed structure/object incorporates obstruction lighting systems and/or marking per FAA standards<sup>5</sup>; and
2. The subject property grants an aviation easement to the airport operator.

### **Policy A.5 Incompatible Structures/Objects**

A proposed structure/object is incompatible with the airspace policies of this ALUCP and is not acceptable for local agency permitting if either of the following apply:

1. The FAA has issued a Determination of Hazard to Air Navigation, or
2. The airport operator has indicated in writing that the structure or object conflicts with visual flight rules or would result in an adverse increase in the ceiling or visibility minimums for an existing instrument procedure or a planned instrument procedure consistent with the FAA-approved Airport Layout Plan.

## **4.2 Protection of Flight Safety**

### **Policy A.6 Standards for the Protection of Flight Safety**

As part of the local agency's ALUC application, the project sponsor must complete the certification statement found in **Appendix B** of the **Rural Airport ALUCPs Technical Appendices** certifying that all of the following characteristics are avoided or, if present with the project, are and will continuously be mitigated below the threshold of a hazard to flight safety to the satisfaction of the airport operator.

#### **Policy A.6.1 Sources of Glare/Glint**

Highly reflective materials that may cause visual after-images or flash blindness in pilot or controller vision are incompatible with this ALUCP. While a variety of materials may contribute to glare/glint, see **Appendix B** of the **Rural Airport ALUCPs Technical Appendices** for specific information about the Solar Glare Hazard Analysis Tool for photovoltaic energy systems.

<sup>5</sup> Federal Aviation Administration, Advisory Circular 70/7460-1L, *Obstruction Marking and Lighting*.

### Policy A.6.2 Lighting

Any lighting systems that mimic airport identification lighting, runway end identification lighting, or runway approach lighting are incompatible with this ALUCP. The following lighting systems, which may be confused with airport lighting systems, are incompatible with this ALUCP when casting light toward the approach paths of aircraft:

- Searchlights
- Laser lights
- Sequenced flashing lights
- Stroboscopic lights

Additionally, outdoor lighting, such as parking lot lights, which are not shielded and directed downward are incompatible with this ALUCP.

### Policy A.6.3 Sources of Dust, Water Vapor, and Smoke

Land use projects that may create columns of dust, steam, water vapor, or smoke dense enough to impair pilot or controller vision and compromise flight safety are incompatible with this ALUCP.

### Policy A.6.4 Electromagnetic Interference

Sources of electromagnetic interference with pilot and controller communications, aircraft instrumentation, ground-based radar, and navigational aids are incompatible with this ALUCP.

### Policy A.6.5 Sources of Thermal Plumes

Land use projects that create thermal plumes with the potential to interfere with the safe control of aircraft are incompatible with this ALUCP. Thermal plumes may have the potential to interfere with safe control of aircraft if over 200 ft above the ground at upward velocities of 14.1 ft per second or greater.<sup>6</sup> See **Appendix B** of the **Rural Airport ALUCPs Technical Appendices** for information about the Exhaust Plume Analyzer.<sup>7</sup>

### Policy A.6.6 Wildlife Attractants

The following land uses that have the potential to attract wildlife are incompatible with this policy.<sup>8</sup>

1. Agricultural, recreational, open space activities, and facilities that include:
  - (a) Aquaculture activities conducted outside fully enclosed buildings;
  - (b) A water feature incorporated into landscaping, open space areas, or golf courses with more than 2,500 square feet of water surface area and without sufficient hazardous wildlife control measures.
2. Waste Management Operations:

<sup>6</sup> Australian Civil Aviation Safety Authority, Advisory Circular AC 139-5(1), Plume Rise Assessments

<sup>7</sup> The MITRE Corporation, <https://www.mitre.org/research/technology-transfer/technology-licensing/exhaust-plume-analyzer>

<sup>8</sup> Federal Aviation Administration, Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports*.



- (a) Solid waste landfills;
  - (b) Transfer stations that handle waste outside fully enclosed buildings, or that lack ventilation and air filtration systems adequate to control odors escaping to the outdoors; (odor masking measures are not acceptable);
  - (c) Commercial or institutional food waste composting operations.
3. Water Management Facilities:
- (a) Stormwater management surface detention areas, unless required by other provisions of municipal, county, or state law. Where stormwater detention areas are necessary and must be allowed, measures should be taken to minimize the risks of attracting potentially hazardous wildlife.
  - (b) Wastewater treatment facilities and associated settling ponds, including any devices and/or systems used to store, treat, recycle, or reclaim municipal sewage or liquid industrial wastes and artificial marshes designed for wastewater treatment.
  - (c) Wetlands mitigation projects, unless they provide unique functions that must remain onsite or are otherwise directed by state or federal law, state or federal regulatory decision, or court order.
  - (d) Dredge spoil containment/disposal areas if the spoils contain material that would attract hazardous wildlife.

## **OVERFLIGHT NOTIFICATION POLICY**

Local agencies should provide a means for owners of any newly constructed dwelling unit located within the overflight boundary established by **Policy A.1** to be notified of the effects of aircraft overflight. Potential methods to implement this policy include the following:

- Adopt an ordinance requiring a recorded overflight notification agreement;
- Provide notice upon issuance of building permits; or
- Adopt overlay zone containing overflight notice.

At a minimum, any notice should include the following language per state law:<sup>9</sup>

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.

The state real estate disclosure law that requires any person who offers residential property for sale or lease to disclose the proximity of the airport to the property purchaser or lessee is adequate to fulfill the overflight notification policy of this ALUCP.

<sup>9</sup> California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4 and 1353; California Code of Civil Procedure §731a.