

**CONSISTENCY DETERMINATION
AGUA CALIENTE AIRSTRIP, BORREGO VALLEY
AIRPORT, BROWN FIELD MUNICIPAL AIRPORT,
FALLBROOK COMMUNITY AIRPARK, GILLESPIE FIELD,
JACUMBA AIRSTRIP, MARINE CORPS AIR STATION
MIRAMAR, MARINE CORPS AIR STATION CAMP
PENDLETON, MCCLELLAN-PALOMAR AIRPORT,
MONTGOMERY FIELD, OCEANSIDE MUNICIPAL
AIRPORT, OCOTILLO AIRSTRIP,
AND RAMONA AIRPORT
AIRPORT LAND USE COMPATIBILITY PLANS (ALUCPs)**

November 3, 2011

Item # 2 Resolution # 2011-0017 ALUC

Recommendation: Conditionally Consistent

**ADOPTION OF GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS
TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, COUNTY OF
SAN DIEGO**

Description of Project: The project is the newly adopted County of San Diego General Plan with concurrent zoning ordinance amendments applying the requirements of the above named ALUCPs to the use of properties located within Airport Influence Areas (AIAs). San Diego International Airport is not a part of this project because its AIA does not affect any County jurisdiction properties.

This project fulfills the statutory mandate under §21676(b) of the Public Utilities Code and §65302.3(a) of the Government Code for an affected local agency to make its general plan and zoning ordinance consistent with adopted ALUCPs within agency jurisdiction. Because this project would incorporate all requirements of the ALUCPs into the County of San Diego General Plan and Zoning Ordinance under which land uses within its jurisdiction are evaluated, individual project consistency determinations would be required from the ALUC only for specified land use actions in accordance with Public Utilities Code §21676.5(b).

The exceptional land use actions specified by the Public Utilities Code (§21676) and applicable ALUCPs would continue to require individual project consistency determinations by the ALUC. These include approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in a Clear Zone or Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC

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approved infill development area; any project that would include nonaviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.

It is important to note that a small amount of General Plan land use designations and corresponding zoning are in conflict with the density or intensity allowances of the ALUCPs because existing development patterns already exceed those limitations. It is intended that these properties would constitute infill development areas which would require ALUC concurrence via separate consideration.

Noise Contours: Properties affected by the proposed project lie within all Community Noise Equivalent Level (CNEL) noise contours and would be subject to potential sound attenuation if required by the applicable ALUCP.

Airspace Protection Surfaces: The project does not propose any structures for construction, but future buildings would be subject to height limitations per applicable property zoning and FAA review for determination of hazard to air navigation.

Overflight Notification Area: Some properties within the proposed project are located within areas requiring the recordation of aviation easements or overflight notifications with the County Recorder. The proposed project does not make provision for the recordation of either the aviation easement or overflight notification on properties identified as requiring such action within the ALUCPs.

Ownership: Properties affected by the proposed project are owned by numerous public and private entities and individuals.

Recommendation: Based on review of the proposed project and the policies in the Agua Caliente Airstrip, Borrego Valley Airport, Brown Field Municipal Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airstrip, Marine Corps Air Station Miramar, Marine Corps Air Station Camp Pendleton, McClellan-Palomar Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airstrip, & Ramona Airport ALUCPs, staff recommends that the ALUC make the determination that the project is conditionally consistent with those ALUCPs provided that the conditions specified below are met.

Conditions: 1) Submit for ALUC concurrence an infill development map indicating all properties whose General Plan land use designations and zoning conflict with ALUCP safety zone limitations, and 2) submit for ALUC consistency determination an ordinance which would require the recordation of respective aviation easements or overflight notifications in accordance with ALUCP requirements.

RESOLUTION NO. 2011-0017 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: ADOPTION OF GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS TO IMPLEMENT AIRPORT LAND USE COMPATIBILITY PLANS, COUNTY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE AGUA CALIENTE AIRSTRIP, BORREGO VALLEY AIRPORT, BROWN FIELD MUNICIPAL AIRPORT, FALLBROOK COMMUNITY AIRPARK, GILLESPIE FIELD, JACUMBA AIRSTRIP, MARINE CORPS AIR STATION MIRAMAR, MARINE CORPS AIR STATION CAMP PENDLETON, MCCLELLAN-PALOMAR AIRPORT, MONTGOMERY FIELD, OCEANSIDE MUNICIPAL AIRPORT, OCOTILLO AIRSTRIP, AND RAMONA AIRPORT – AIRPORT LAND USE COMPATIBILITY PLANS.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the County of San Diego to determine the consistency of a proposed project: Adoption of General Plan and Zoning Ordinance Amendments to Implement Airport Land Use Compatibility Plans, County of San Diego, which is located within the Airport Influence Areas (AIAs) for the Agua Caliente Airstrip, Borrego Valley Airport, Brown Field Municipal Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airstrip, Marine Corps Air Station (MCAS) Miramar, MCAS Camp Pendleton, McClellan-Palomar Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airstrip, and Ramona Airport - Airport Land Use Compatibility Plans (ALUCPs), originally adopted in 2008 and 2010 and amended in 2010; and

WHEREAS, the proposed project is the County of San Diego General Plan and concurrent zoning ordinance amendments applying the noise contour, airspace protection, and safety zone compatibility criteria of ALUCPs to the use of properties located within AIAs via an overlay zone; and

WHEREAS, a local agency is required to implement the ALUCPs by either referring all proposed land use projects located within AIAs to the ALUC for consistency determination with the ALUCPs or amend its applicable codes to incorporate the ALUCP requirements to accomplish the same consistency in its own project reviews; and

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WHEREAS, referral of individual land use projects to the ALUC is not mandatory when the ALUC has deemed a local agency's plan and implementing ordinance consistent with the ALUCPs, except for the following actions: approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in a Clear Zone or Safety Zone 1; any project that has been determined to be an airspace hazard by the Federal Aviation Administration (FAA); any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones; and

WHEREAS, the proposed project includes a small amount of General Plan land use designations and corresponding zoning that are in conflict with the density or intensity allowances of the ALUCPs because existing development patterns already exceed those limitations; and

WHEREAS, the proposed project does not make provision for requiring the recordation of either the avigation easement or overflight notification on AIA properties identified as requiring such recordation within the ALUCPs; and

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the County of San Diego, the U.S. Marine Corps, and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Adoption of General Plan and Zoning Ordinance Amendments to Implement Airport Land Use Compatibility Plans, County of San Diego, is conditionally consistent with the Agua Caliente Airstrip, Borrego Valley Airport, Brown Field Municipal Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airstrip, MCAS Miramar, MCAS Camp Pendleton, McClellan-Palomar Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airstrip, and Ramona Airport ALUCPs, originally adopted in 2008 and 2010 and amended in 2010, based upon the following facts and findings:

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- (1) The proposed project consists of the County of San Diego General Plan and concurrent zoning ordinance amendments which would apply the noise contour, airspace protection, and safety zone compatibility criteria of the ALUCPs to the use of properties located within AIAs via an overlay zone.
- (2) Pursuant to the ALUCPs and Public Utilities Code §21676.5, referral of only certain specified actions to the ALUC for consistency determination continues to be mandatory after the ALUC has deemed a local agency General Plan and implementing zoning ordinance consistent with the ALUCPs. The following actions remain mandatory for ALUC review: approval of and/or an amendment to a general, specific, or other land use plan, zoning ordinance (including rezones) or building regulation; any project proposed in a Clear Zone or Safety Zone 1; any project that has been determined to be an airspace hazard by the FAA; any project which would exceed the density or intensity allowances of the ALUCPs which is not located within an ALUC approved infill development area; any project that would include non-aviation uses on public-use airport property; and any construction, expansion, or master plan for a new or existing public-use airport, including the construction, extension, or realignment of runways and the acquisition of runway protection zones.
- (3) The proposed project includes a small amount of General Plan land use designations and corresponding zoning that are in conflict with the density or intensity allowances of the ALUCPs because existing development patterns already exceed those limitations. Therefore, as a condition of this consistency determination, the County of San Diego shall submit for ALUC concurrence an infill development map indicating all properties whose General Plan land use designations and zoning conflict with ALUCP safety zone limitations.
- (4) The proposed project does not make provision for the recordation of either the aviation easement or overflight notification on properties identified as requiring such action within the ALUCPs. Therefore, as a condition of this consistency determination, the County of San Diego shall submit for ALUC consistency determination an ordinance which would require the recordation of respective aviation easements or overflight notifications in accordance with ALUCP requirements.

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(5) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the Agua Caliente Airstrip, Borrego Valley Airport, Brown Field Municipal Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airstrip, MCAS Miramar, MCAS Camp Pendleton, McClellan-Palomar Airport, Montgomery Field, Oceanside Municipal Airport, Ocotillo Airstrip, and Ramona Airport ALUCPs.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 3rd day of November, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL

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ITEM 2



County of San Diego ALUCP Implementation Plan

Angela Jamison, Manager, Airport Planning

November 3, 2011



ALUCPs Adopted

Adopted ALUCPs for airports within County of San Diego land use jurisdiction:

- 2006: Rural Airports
- 2008: Marine Corps Airports
- 2010: Urban Airports

SDIA AIA does not affect lands under County jurisdiction



Public Utilities Code Mandate

- Following ALUCP adoption, affected local agencies must do one of the following within 180 days:
 - Incorporate the ALUCPs into a General Plan and zoning code to implement through land use permitting process
 - Overrule the ALUCPs in whole or in part
 - Refer all land use actions within an AIA to the ALUC for consistency determination



Implementation Plan Components

- Adoption of General Plan with policies incorporating ALUCPs
- Overlay Rezone applying ALUCPs to properties within AIAs



ALUC Review

- County would implement all ALUCPs within its land use jurisdiction without individual project referrals to ALUC
- Exceptions always requiring ALUC review include General or Specific Plan amendments, rezones, FAA-determined airspace hazards, certain airport improvements



Components To Be Addressed

- Some existing development patterns exceed ALUCP density/intensity limitations
- Avigation easements and overflight notification agreements



Recommended Conditions

- Require infill map for ALUC concurrence of all areas whose existing development pattern exceeds ALUCP limits
- Require zoning ordinance for ALUC consistency determination which provides for aviation easements or overflight agreements on AIA properties