SAN DIEGO COUNTY
AIRPORT LAND USE COMMISSION

Airport Land Use Compatibility Plan for

Borrego Valley Airport

Adopted April 7, 2022

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

RESOLUTION NO. 2022-0002 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY ADOPTING THE AIRPORT LAND USE COMPATIBILITY PLAN FOR BORREGO VALLEY AIRPORT

WHEREAS, the San Diego County Regional Airport Authority (Airport Authority) has been designated as the Airport Land Use Commission (ALUC) for each public-use and military airport in the County of San Diego (County), effective January 1, 2003 (Cal. Pub. Util. Code, §21670.3(a)); and

WHEREAS, the ALUC is required to prepare, adopt, and amend, as necessary, an Airport Land Use Compatibility Plan (ALUCP) for the area within its jurisdiction surrounding each public-use airport (Cal. Pub. Util. Code, §§21674(c); 21675(a)); and

WHEREAS, ALUCPs are the fundamental tool used by ALUCs in fulfilling their purpose of promoting compatibility of land uses within the vicinity of airports, to the extent that land is not already devoted to incompatible uses, in order to protect the public health, safety, and welfare from the effects of airports and concurrently protect the operations of those airports from encroachment by incompatible uses; and

WHEREAS, the ALUC is required to be guided by information in the State of California, Department of Transportation, Division of Aeronautics Airport Land Use Planning Handbook (Caltrans Handbook) in preparing ALUCPs (Cal. Pub. Util. Code, §21674.7(a)); and

WHEREAS, the ALUC is required to prepare ALUCPs based on an airport master plan or, with Caltrans concurrence, an airport layout plan that reflects anticipated airport operations and facility improvements for at least 20 years (Cal. Pub. Util. Code, §21675(a)); and

WHEREAS, the ALUC adopted an ALUCP for Borrego Valley Airport (Reso. No. 2006-0061 ALUC) on December 4, 2006, that is consistent with the requirements of the State Aeronautics Act and the third edition of the Caltrans Handbook, dated 2002; and

WHEREAS, the ALUC found the County General Plan and Zoning Ordinance to be consistent with the 2006 ALUCP for Borrego Valley Airport (Reso. No. 2011-0017 ALUC) on November 3, 2011; and

WHEREAS, the ALUC amended the 2006 ALUCP for Borrego Valley Airport (Reso. No. 2011-0021 ALUC) on December 1, 2011, and County zoning remained consistent with the ALUCP; and

WHEREAS, the Caltrans Handbook recommends that ALUCs evaluate ALUCPs to be updated approximately every five years; and

WHEREAS, a fourth edition of the Caltrans Handbook was issued in 2011 with revisions to its land use compatibility guidance; and

WHEREAS, the ALUC evaluated the aviation activity forecasts for Borrego Valley Airport which were the basis of the ALUCP adopted in 2006 and amended in 2011 and coordinated with the County as operator of Borrego Valley Airport and determined that revised aviation activity forecasts were necessary; and

WHEREAS, the ALUC compiled and validated updated aviation activity forecasts in consultation with County staff and received concurrence from both the County and Caltrans to use the updated aviation activity forecasts in connection with updating the Borrego Valley Airport ALUCP; and

WHEREAS, the updated ALUCP for Borrego Valley Airport is consistent with the requirements of the State Aeronautics Act and the 2011 edition of the Caltrans Handbook; and

WHEREAS, the ALUC has reviewed the governing language of the County General Plan and Zoning Ordinance which implements the ALUCP for Borrego Valley Airport adopted in 2006 and amended in 2011 pursuant to the 2011 ALUC finding of consistency of the same with the ALUCP; and

WHEREAS, the ALUC is required to engage in a public collaborative planning process when preparing and updating an ALUCP (Cal. Pub. Util. Code, §21670.3(b)); and

WHEREAS, ALUC staff engaged County staff in multiple consultations from 2016 through 2022 in the data input and development of the updated aviation activity forecasts and ALUCP policies; and

WHEREAS, ALUC staff hosted two, duly noticed, public community meetings on February 25, 2020 and March 2, 2022, to seek input from interested parties and share the updated ALUCP for Borrego Valley Airport in response to County staff and public stakeholder input; and

WHEREAS, the ALUC has reviewed the updated ALUCP for Borrego Valley Airport pursuant to the California Environmental Quality Act (CEQA; Cal. Pub. Res. Code §21000 *et seq*.); the State CEQA Guidelines (Cal. Code of Regs, Title 14, §15000 *et seq*.); and the Authority's own CEQA Procedures; and

WHEREAS, the ALUC has further determined that the updated ALUCP for Borrego Valley Airport would be exempt from CEQA, pursuant to the "common sense" exemption (CEQA Guidelines §15061(b)(3)) because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and the activity is not subject to CEQA" (*ibid*.); and

WHEREAS, a Notice of Exemption (Attachment A) has been prepared by the ALUC to document the basis for the determination that the updated ALUCP is exempt from CEQA; and

WHEREAS, the ALUC has considered all the information presented as set forth above, to include the updated ALUCP and Notice of Exemption, and as a result of the ALUC's independent judgement and analysis;

NOW, THEREFORE, BE IT RESOLVED that the ALUC finds, on the basis of the whole record before it, including, but not limited to, the Notice of Exemption, that there is no substantial evidence that the updated ALUCP has the potential to cause a significant effect on the environment; the updated ALUCP is exempt from CEQA; and, therefore, the ALUC orders that ALUC staff file with the appropriate authorities the Notice of Exemption for the updated ALUCP for Borrego Valley Airport authorized by this Resolution to memorialize this determination; and

BE IT FURTHER RESOLVED that the ALUC hereby approves and adopts the updated ALUCP for Borrego Valley Airport, to replace and supersede in its entirety the ALUCP for Borrego Valley Airport adopted in 2006 and amended in 2011, to be effective immediately upon action of this Resolution; and

BE IT FURTHER RESOLVED that the ALUC finds that the County General Plan and Zoning Ordinance which implements the ALUCP for Borrego Valley Airport adopted in 2006 and amended in 2011, pursuant to the 2011 ALUC finding of consistency of the same with that ALUCP, remains consistent with the updated ALUCP for Borrego Valley Airport so long as the County applies to its consistency review of plans, projects, and regulations the updated ALUCP to supersede the previous ALUCP adopted in 2006 and amended in 2011; and

BE IT FURTHER RESOLVED that the ALUC finds that the California Coastal Act (Cal. Pub. Res. Code §30106) does not apply to this action because no portion of land covered by the ALUCP for Borrego Valley Airport lies within the Coastal Zone; and

BE IT FURTHER RESOLVED that the ALUC finds that this action is not a project that involves additional approvals or actions by the Federal Aviation Administration (FAA) and, therefore, no formal review under the National Environmental Policy Act (NEPA) is required.

PASSED, ADOPTED, AND APPROVED by the ALUC for San Diego County at a regular meeting this 7th day of April, 2022, by the following vote:

AYES:	Commissioners:	Blakespear, Cabrera, Casillas Salas, McNamara, Robinson, Schiavoni, Sly, Vargas, von Wilpert
NOES:	Commissioners:	None
ABSENT:	Commissioners:	None

ATTEST:

Tony R Russell

TONY R. RUSSELL
DIRECTOR, BOARD SERVICES /
AUTHORITY CLERK

APPROVED AS TO FORM:

Amy L

AMY GONZALEZ
GENERAL COUNSEL

NOTICE OF EXEMPTION

TO: State of California
Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 212
Sacramento, California 95814

County Clerk
County of San Diego
County Administration Center
1600 Pacific Highway, Room 260
San Diego, California 92101

FROM: San Diego County Regional Airport Authority
Airport Land Use Commission
Post Office Box 82776
San Diego, California 92138-2776

PROJECT TITLE: Borrego Valley Airport - Airport Land Use Compatibility Plan (ALUCP)

PROJECT LOCATION: The Airport Influence Area (AIA) for the Borrego Valley Airport ALUCP is located within the vicinity of Borrego Valley Airport, 3 miles east of the town center of the unincorporated community of Borrego Springs in northeastern San Diego County, approximately 90 miles northeast of downtown San Diego and 11 miles north of State Route 78.

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The San Diego County Airport Land Use Commission (ALUC) is mandated by the State Aeronautics Act to prepare an ALUCP for each public use and military airport within the county. The purpose of an ALUCP is to protect the operations of the airport and concurrently safeguard the welfare of inhabitants and the general public within the vicinity of the airport. The ALUCP accomplishes these objectives by establishing a geographic scope of application (the AIA) and criteria for the compatibility of specific land uses within the AIA. The compatibility standards are based upon sensitivity of land uses to airport noise exposure, minimizing risk in the event of aircraft accidents, protection of airspace from hazards and obstructions to flight and airport operations, and residential awareness of airport proximity to minimize annoyance.

The ALUCP compatibility standards must be implemented into the respective land use plans and regulations of the affected local agencies with land use jurisdiction, or local agencies may overrule all or portions of the ALUCP. The ALUCP does not regulate airport operations, nor does it have any impact on existing land uses. The ALUCP applies only to land use plans and new projects proposed after adoption of the ALUCP. The beneficiaries of the project would be the implementing local agency and the airport operator (both the County of San Diego), and inhabitants and the general public who would occupy land uses near the airport.

The County of San Diego is the primary local agency with land use jurisdiction to implement or overrule the ALUCP. The project replaces a previous ALUCP, adopted by the ALUC in 2006 and amended in 2011, which the County implemented in 2011 through zoning of properties within the AIA, so the project would be implemented using the existing zoning.

NAME OF PUBLIC AGENCY APPROVING PROJECT: San Diego County Regional Airport Authority (SDCRAA), acting in its capacity as the ALUC for San Diego County

NAME OF PERSON/AGENCY CARRYING OUT PROJECT: SDCRAA, County of San Diego

EXEMPT STATUS: *(check one)*

- ☐ Ministerial (§21080(b)(1); 15268)
- ☐ Declared Emergency (§21080(b)(3); 15269(a))
- ☐ Emergency Project (§21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption: **§15061(b)(3)**
- ☐ Statutory Exemptions

REASONS WHY PROJECT IS EXEMPT: The County of San Diego has already implemented the 2006 ALUCP policies and standards into its zoning code. These regulations already restrict development of new noise-sensitive land uses (e.g., educational, or institutional) within noise contour ranges, and the project maintains at least the same residential density and nonresidential intensity limits established in the 2006 ALUCP. The noise and safety compatibility policies proposed in the project therefore remain consistent with the adopted 2006 ALUCP and current County zoning.

The primary effect of the project would result from the shifting of some noise contours and safety zone boundaries and the corresponding application of differing ALUCP standards. A displacement analysis comparing the total amount of development potential under the County's current zoning with the amount that could be supported under the project concluded that no residential or nonresidential development potential would be displaced due to implementation of the project.

Thus, the project could not have a significant impact on the environment. There would be no potential displacement of existing land uses or populations elsewhere as a result of the project, and, thus, it would neither induce nor prohibit growth which might occur in the absence of the project. As an update to an existing plan already implemented by the local agency, the project would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. There are no direct, indirect, or cumulatively considerable impacts created by the project because it does not result in any significant environmental impacts. The ALUCP as a project is therefore exempt from CEQA.

LEAD AGENCY CONTACT PERSON: Ralph Redman; Manager, Airport Planning; (619) 400-2464; ALUCPcomments@san.org

Signature: _____ Date: 4/7/22

Date received for filing at OPR: _____

SAN DIEGO COUNTY CLERK
CEQA FILING COVER SHEET

FILED

Apr 07, 2022 02:35 PM
Ernest J. Dronenburg, Jr.
SAN DIEGO COUNTY CLERK
File # 2022-000260
State Receipt # 37040720220226

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

TYPE OR PRINT CLEARLY

Project Title

BORREGO VALLEY AIRPORT - AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)

Check Document being Filed:

- ○ Environmental Impact Report (EIR)
- ○ Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- ◉ Notice of Exemption (NOE)
- ○ Other (Please fill in type):

FILED IN THE OFFICE OF THE SAN DIEGO COUNTY CLERK ON April 7, 2022

Posted April 7, 2022 **Removed** ~~MAY 07 2022~~

Returned to agency on MAY 13 2022

DEPUTY C. Teran

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office.For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.

Airport Land Use Compatibility Plan for Borrego Valley Airport

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

AIRPORT LAND USE COMMISSION

PREPARED FOR:

San Diego County Regional Airport Authority

Adopted April 7, 2022

PREPARED BY:

Ricondo & Associates, Inc.

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Chapter 1
IMPLEMENTATION

1.1 Purpose and Scope of the Plan

This Airport Land Use Compatibility Plan (ALUCP) for Borrego Valley Airport 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.[1] 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.[2]

1.1.1 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 and subsequently amended in 2011. 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.

1.1.2 Amendment of this ALUCP

Major amendments to the ALUCP (revising, adding, or changing policies, standards, or the areas within which the policies and standards apply) cannot be done more than once per calendar year.[3] 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.[4] 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,[5] this ALUCP may need to be amended to reflect updates and revisions to airport plans (see Section 1.9, ALUC Review of Proposed Airport Plans and Projects).

1.1.3 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**.

1 California Public Utilities Code §§21670.3(a), 21674, 21675.
2 California Public Utilities Code §21675(a).
3 California Public Utilities Code §21675(a).
4 California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, §2.4.2, ALUCP Amendments.
5 California Public Utilities Code §§21674(d), 21676(c).

TABLE 1-1
Land Use Compatibility Goals

Compatibility Factor	Goals
Safety (Chapter 2)	Protects public safety within safety zones by: ▪ Limiting new risk-sensitive land uses within safety zones ▪ Reducing the number of people in areas subject to the highest risk of aircraft accidents
Noise (Chapter 3)	Protects public health and welfare within noise contours by: ▪ Limiting new noise-sensitive development within noise contours ▪ Ensuring that new noise-sensitive development meets interior sound level standards ▪ Requiring avigation easements for new noise-sensitive development[6]
Airspace Protection and Overflight (Chapter 4)	Protects public safety and welfare within the airspace protection boundary and overflight boundary by: ▪ Limiting the height of new structures and objects per Federal Aviation Administration (FAA) standards, thus preserving the operational ability of the airport ▪ Limiting potential hazards to flight, thus protecting flight capability ▪ Promoting awareness to prospective residents of new housing within the overflight boundary about the potential effects of aircraft overflights

1.1.4 Airport Influence Area

This ALUCP applies within the Airport Influence Area (AIA) for Borrego Valley Airport. 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.[7]

Airport Influence Area (AIA) – The area encompassed by the combination of safety zones, noise contours, airspace surfaces, and the overflight boundary within which the policies and standards of the ALUCP apply.

1.1.5 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.

6 California Code of Regulations, Title 21, Division 2.5, Chapter 6, Subchapter 6, *Noise Standards*, §5037(f).
7 California Business and Professions Code §11010(a) and (b)(13); California Civil Code §§1102.6, 1103.4; California Code of Civil Procedure §731a.

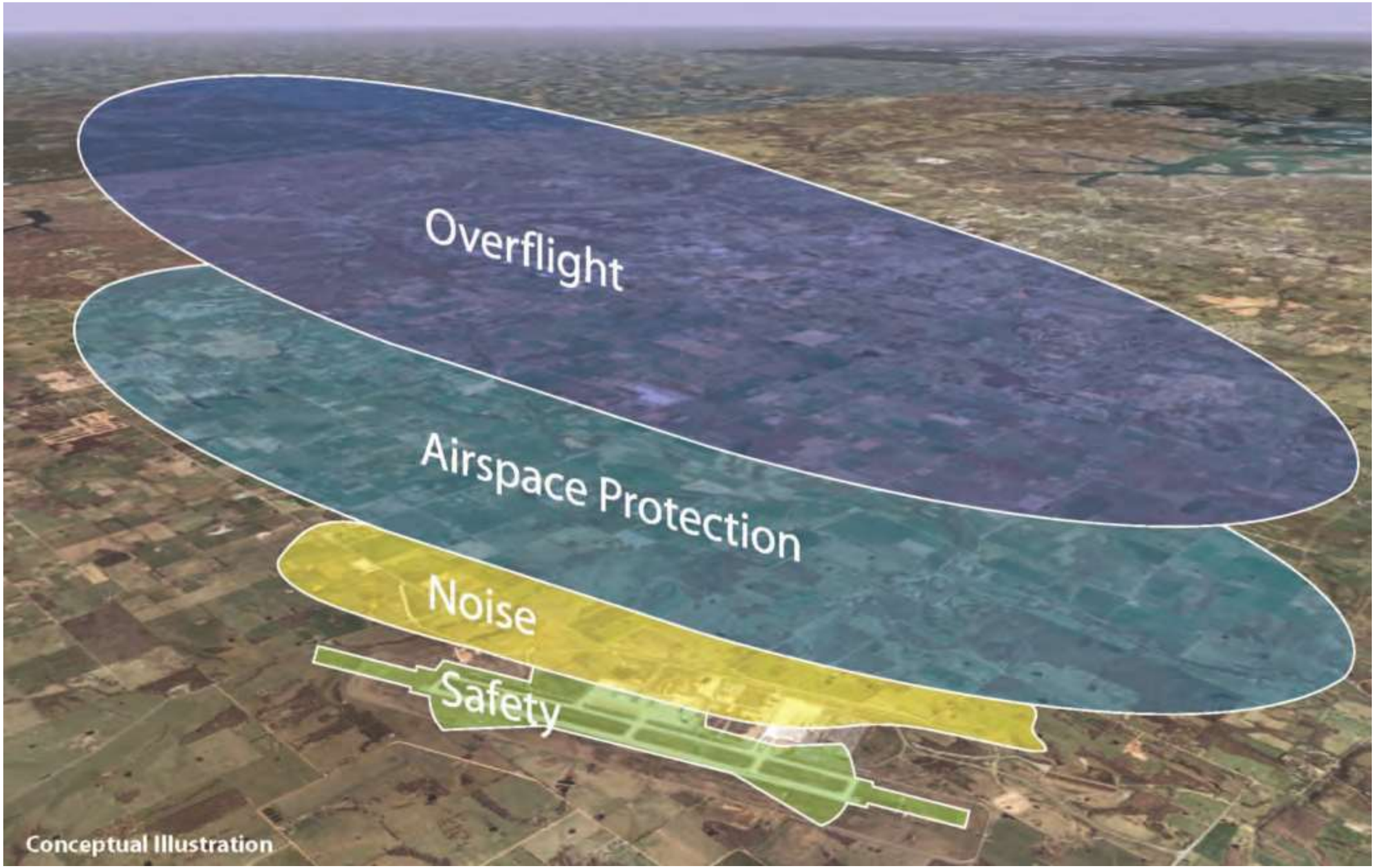
Overflight
Airspace Protection
Noise
Safety
Conceptual Illustration

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TABLE 1-2
Stakeholders

ALUC	The SDCRAA Board in its role as the ALUC to adopt and implement the ALUCP
Local Agency	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[8]
Project Sponsor	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 land use action
Airport Operator	The County of San Diego in its capacity as the owner and operator of the Airport

1.2 Definitions

The following terms used in this ALUCP have specific meanings, as defined in this section.

Airport Influence Area (AIA) – The area encompassed by the combination of safety zones, noise contours, airspace surfaces, and the overflight boundary within which the policies and standards of the ALUCP apply.

Ancillary Use – A complementary addition to a primary use which is intended to serve the employees/residents/occupants of the primary use, even if it could otherwise function independently of the primary use. For example, a coffee and pastry counter in office building could be considered an ancillary use (rather than a separate eating and drinking establishment). On the other hand, a kitchen, waiting area, food storage, and outdoor seating areas would not be ancillary to an eating and drinking establishment because they are integral components of the establishment.

Aviation Use – 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 Federal Aviation Administration (FAA) as well as aircraft aprons, hangars, tie-down spaces, air traffic control facilities, fixed-based operator facilities, and terminal buildings.

Calamity – An extreme loss due to fire or a natural disaster such as earthquake, flood, or landslide.

Compatibility – A determination made by the ALUC or ALUC staff that a proposed land use action complies with the policies and standards of a specific compatibility factor (noise, safety, airspace protection, or overflight).

Consistency – The determination made by the ALUC or ALUC staff that a proposed land use action is compatible with each and all noise, safety, airspace protection and overflight policies and standards of this ALUCP. For example, a proposed project that is compatible with the noise policies and standards but is incompatible with the airspace protection standards is inconsistent with this ALUCP.

8 California Public Utilities Code §21670(f).

Density – The number of dwelling units per acre.

Findings – Legally relevant conclusions that describe a government agency's analysis of facts, regulations, and policies, and that bridge the analytical gap between raw data and ultimate decision.

Gross Floor Area – The total amount of floor area (measured in square feet) contained within a building measured to the external walls, as well as any attached patios, decks, or balconies. Gross floor area does not include attached or detached garages or parking structures.

Habitable Space – The total amount of floor area (measured in square feet) contained within a residence measured to the external walls, excluding any attached or detached garages, patios, decks, or balconies.

Intensity – The number of occupants (employees, customers, visitors, and guests) per acre for a given nonresidential land use.

Land Use Action – Any land use project, land use plan, or land use regulation or amendment.

Land Use Plan – A comprehensive set of goals for the use and development of land for a specified site, community, or region, which typically includes accompanying maps. Includes general plans, community plans, specific plans, precise plans, master plans, etc.

Land Use Regulations – Local government ordinances and rules governing the use and development of land, such as building codes, subdivision regulations, and zoning ordinances.

Land Use Project – Any use or development of land by a local agency or a private entity in accordance with regulatory approval or permitting by a local agency (whether involving a ministerial permit, discretionary permit, certificate of occupancy, or business license).

Live/Work Project – A project involving work quarters that also serve as a residence for the on-site worker or workers.

Local Agency – The County of San Diego and any municipality with land use regulatory and permitting authority, including the San Diego Unified Port District, in addition to school districts, community college districts, and special districts with the authority to build and operate public buildings and facilities.

New Use – A land use proposed for an existing building or development that has a different occupancy factor than the use it is proposed to replace.

Occupancy Factor – The average floor area, in square feet per person, occupied by an employee, customer, visitor, or guest for any given land use.

Project Sponsor – Any person or entity having a legal interest in a property, including a local agency, landowner, or nonresidential tenant, who submits an application to a local agency for review of a proposed action relating to such property.

Reconstruction – The rebuilding of all or a portion of an existing residential or nonresidential building, which involves more than remodeling.

Remodeling – The improvement or reconfiguration of space within an existing residential or nonresidential three-dimensional building footprint (excluding any increase in height).

1.3 Limits of ALUC Authority

1.3.1 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.

TABLE 1-3
Exemptions from ALUC Review

Existing Land Uses[9]	Any use occurring as of the effective date of this ALUCP that remains constant as is without modification (see alterations below)
Alterations to Existing Residential Uses	Repair, maintenance, and remodeling of existing habitable space with no increase in density or height
Alterations to Existing Nonresidential Uses	Repair, maintenance, and remodeling within existing gross floor area with no increase in intensity or height
Uses with Vested Rights*	A land use is considered existing if a vested right is obtained in any of the following ways: ▪ 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[10] ▪ An executed and valid development agreement[11] ▪ An approved and unexpired vesting tentative map[12]
Unoccupied Accessory Structures**	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
Temporary Uses and Activities**	Tents, concert stages, participant sports, spectator events, fairs, and receptions held without a use permit required by the local agency
Resumption of a Discontinued Use	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
Projects outside Noise Contours and Safety Zones of the AIA	Provided that: ▪ 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 ▪ The project does not involve any potential hazards to flight, as described in Section 4.2, Protection of Flight Safety, in Chapter 4 Airspace Protection Policies and Standards and Overflight Notification Policy,
* See Section 1.7.5, Changes to Land Use Projects with Previous Consistency Determinations, for additional land use actions which may qualify for exemption from ALUC review. ** Depending on height and location, structures may be subject to FAA notification and review (see Policy A.2, FAA Notification Requirements, in Chapter 4, Airspace Protection Policies and Standards and Overflight Notification Policy).	

9 California Public Utilities Code §§21670(a)(2), 21674(a).
10 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.
11 California Government Code §65866.
12 California Government Code §66498.1.

1.3.2 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;[13] see Chapter 4, Airspace Protection Policies and Standards and Overflight Notification Policy.

1.3.3 Limit of ALUC Authority Over Airport

The ALUC has no authority over airport design, site layout, operations, or expansion.[14] (See Section 1.9, ALUC Review of Proposed Airport Plans and Projects, for policies relating to ALUC review of proposed airport plans and projects.) 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.

1.4 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. Lot line adjustments to legal lots after the effective date of this ALUCP could have occurred, but the legal lot itself must have existed prior to the effective date of this ALUCP and not been the product of any subdivision of land after the adoption of this ALUCP, unless qualifying as part of an approved long-term project (see Section 1.7.5, Changes to Land Use Projects with Previous Consistency Determinations).
3. The property is zoned by the local agency for residential use.

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

1. Each dwelling unit must be sound attenuated to 45 decibel (dB) Community Noise Equivalent Level (CNEL) interior noise level, if located within the 65 dB CNEL or higher noise contour.
2. An avigation easement must be granted to the airport operator and recorded over the property, if located within the 55 dB CNEL or higher noise contour.
3. Each dwelling unit must comply with the airspace protection policies of this ALUCP (see Chapter 4, Airspace Protection Policies and Standards and Overflight Notification Policy).

13 Title 14 Code of Federal Regulations (CFR) Part 77.
14 California Public Utilities Code §21674(e).

4. A means of overflight notification must be provided for by the local agency (see Chapter 4, Airspace Protection Policies and Standards and Overflight Notification Policy).

1.5 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 Section 1.7.5, Changes to Land Use Projects with Previous Consistency Determinations).

1.6 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 1.3.2, Exemptions from ALUC Review. **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 1.8, Local Agency Implementation).

TABLE 1-4
Land Use Plans and Regulations Always Subject to ALUC Review[15]

ALUC review is always required for the following land use actions within the AIA:

- 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.

15 California Public Utilities Code §21676(b).

TABLE 1-5
Land Use Projects Subject to ALUC Review until Local Agency Implements or Overrules the ALUCP[16]

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**;
- Reconstruction of or addition to an existing residence, unless exempt per **Table 1-3**;
- Reconstruction of a building occupied by or proposed for occupancy by a nonresidential use, unless exempt per **Table 1-3**;
- 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 with a different occupancy factor than the prior use as indicated in Table 2-1 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**; or
- Land use projects for which the FAA has issued a Determination of Hazard to Air Navigation or a Determination of No Hazard with marking and lighting conditions.

1.7 Consistency Determination Review Process

Local agencies must submit an application for consistency determination to the ALUC for proposed land use actions as required by this ALUCP.[17] Proposed actions should be referred to the ALUC at the earliest reasonable time so that the ALUC's determination can be duly considered by the local agency prior to formalizing its decision. Depending on the type of land use action and the ALUC meeting schedule, ALUC review can be completed before, after, or concurrently with review by local agency officials and advisory bodies but must be done before final action by the local agency.

Consistency means that a proposed land use action is compatible with each and all noise, safety, airspace protection and overflight policies and standards of this ALUCP.

The application for determination of consistency is published for local agency access on the ALUC website. The consistency review process, discussed in the following sections, is depicted on **Exhibit 1-2**.

1.7.1 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

16 California Public Utilities Code §21676.5(a).
17 California Public Utilities Code §21676

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.[18]

1.7.2 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.[19]

1.7.3 Public Notice

The ALUC will provide public notice as part of acting on any land use plan, regulation, or project under consideration.[20]

1.7.4 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 stipulated in the 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.[21] See Section 1.8.4, Local Agency Overrule.

18 California Government Code §65943(a) and (b).
19 California Public Utilities Code §21676(d).
20 California Public Utilities Code §21675.2(d).
21 California Public Utilities Code §21675.1(d).

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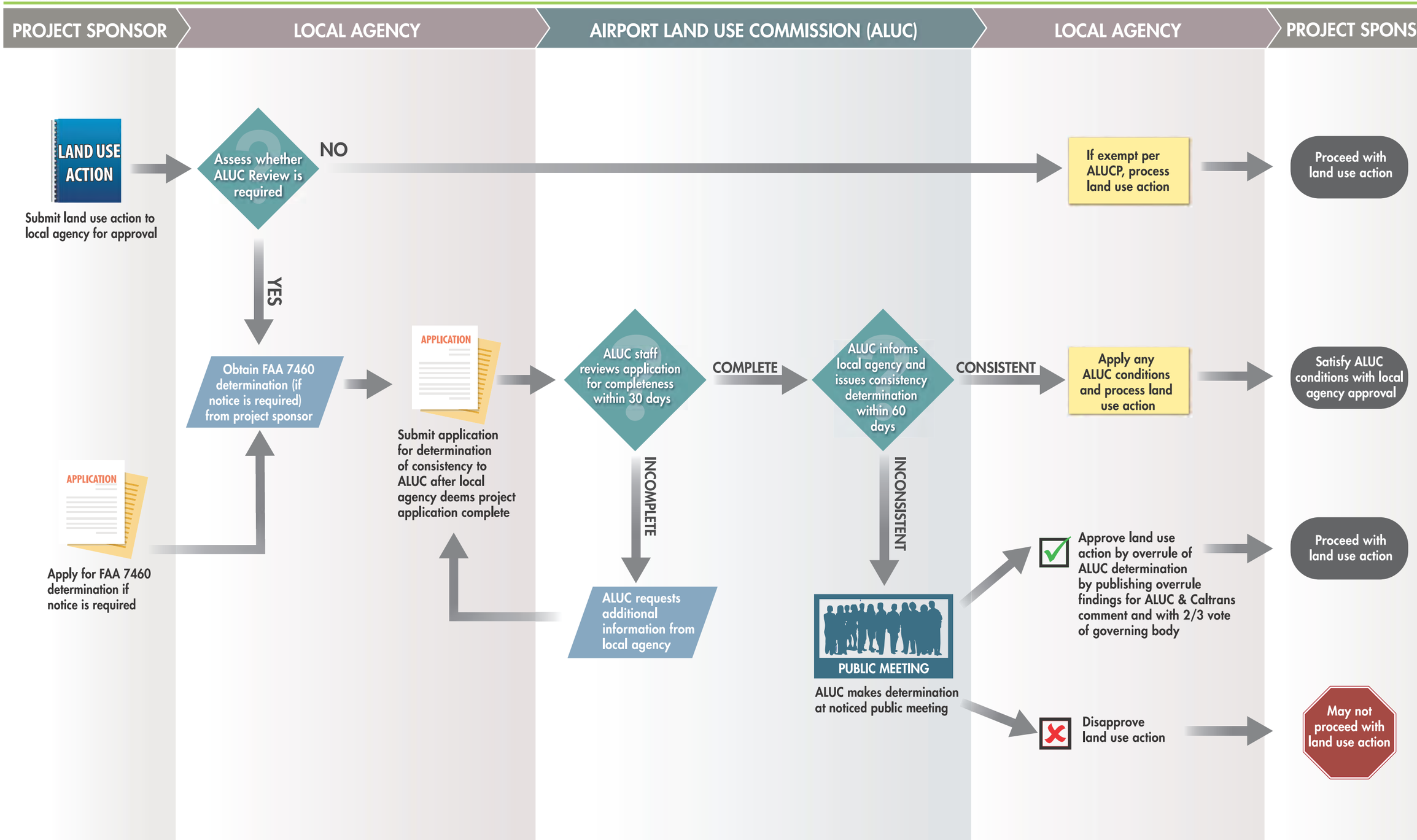
PROJECT SPONSOR
LOCAL AGENCY
AIRPORT LAND USE COMMISSION (ALUC)
LOCAL AGENCY
PROJECT SPONSOR
LAND USE ACTION
Submit land use action to local agency for approval
Assess whether ALUC Review is required
NO
YES
If exempt per ALUCP, process land use action
Proceed with land use action
Obtain FAA 7460 determination (if notice is required) from project sponsor
APPLICATION
Submit application for determination of consistency to ALUC after local agency deems project application complete
ALUC staff reviews application for completeness within 30 days
COMPLETE
ALUC informs local agency and issues consistency determination within 60 days
CONSISTENT
Apply any ALUC conditions and process land use action
Satisfy ALUC conditions with local agency approval
APPLICATION
Apply for FAA 7460 determination if notice is required
INCOMPLETE
ALUC requests additional information from local agency
INCONSISTENT
PUBLIC MEETING
ALUC makes determination at noticed public meeting
Approve land use action by overrule of ALUC determination by publishing overrule findings for ALUC & Caltrans comment and with 2/3 vote of governing body
Proceed with land use action
Disapprove land use action
May not proceed with land use action

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1.7.5 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 the application as reviewed by the ALUC.

1.7.5.1 Conditions for Subsequent ALUC Review of Previous Consistency Determinations

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 2-1 in Chapter 2, Safety Compatibility Policies and Standards, or Table 3-1 in Chapter 3, Noise Compatibility Policies and Standards;
- An increase in proposed height; or
- An addition of a characteristic that would create a hazard to air navigation (e.g., glare, thermal exhaust plumes, wildlife attractants) or adversely impact airport operations (see Chapter 4, Airspace Protection Policies and Standards and Overflight Notification Policy).

Intensity means the number of occupants (employees, customers, visitors, and guests) per acre for a given nonresidential land use.

1.7.5.2 Continued Effect of Consistency Determination for Modified Projects

A consistency determination remains in effect for a modified project only if there are no changes as listed in Subsection 1.7.5.1. Any change in these characteristics requires a new consistency determination prior to issuance of permits by a local agency.

1.7.5.3 Long-Term Projects Approved Under Previous ALUCP

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 (or Comprehensive Land Use Plan [CLUP], if applicable) in effect at the time the first such permit or approval was issued by the local agency, provided all of the following exist:

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 or CLUP);
3. The original permit or approval has not expired nor been rescinded;
4. The original permit has not changed per the four bulleted items in Subsection 1.7.5.1;

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.

1.8 Local Agency Implementation

1.8.1 Local Agency Requirements and Responsibilities

According to state law,[22] within 180 calendar days of the ALUC's adoption or amendment of this ALUCP, each local agency affected by this ALUCP must:

- 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.[23] See Section 1.8.4, Local Agency Overrule.

Until the local agency either acts to make its land use plans and regulations consistent with this ALUCP or overrules the ALUCP, ALUC review of the proposed land use actions described in **Table 1-5** remains necessary.

1.8.2 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 to air navigation as determined by the FAA.

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 to be deemed consistent with the ALUCP (see Section 1.3, Limits of ALUC Authority; Policy S.10, Enlargement or Reconstruction of Existing Building, in Chapter 2, Safety Compatibility Policies and Standards; and

22 California Government Code §65302.3(a), (b), and (c).
23 California Public Utilities Code §21675.1(d).

Policy N.4, Enlargement or Reconstruction of an Existing Building, in Chapter 3, Noise Compatibility Policies and Standards).

To be deemed consistent with this ALUCP, 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, Implementation Tools and Documents, of the Rural Airport ALUCPs Technical Appendices.

1.8.3 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.

1.8.4 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 California Department of Transportation (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. 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.[24]

1.9 ALUC Review of Proposed Airport Plans and Projects

The ALUC is required by state law to review certain proposed airport plans and projects for consistency with this ALUCP.[25] 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.

1.9.1 Airport Plans and Projects

The following airport plans and projects require ALUC review:

- 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 air traffic pattern if it requires an amended Airport Permit from the State of California.[26] 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.

1.9.2 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 data, forecasts, and development proposals in the airport plans.[27]

24 California Public Utilities Code §§21676(a) and 21676.5.
25 California Public Utilities Code §21676(c).
26 California Public Utilities Code §21664.5.
27 California Public Utilities Code §21675(a).

1.9.3 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, or
- Inconsistent: the plan or project may not proceed unless the local agency operating the airport overrules the ALUC's finding of inconsistency.

1.9.4 Advisory Notice of Airport Operational Changes

While not required under state law, the Airport operator is encouraged to inform the ALUC of changes to airport activity forecasts, airport operating procedures (such as the designation of preferential runways), or visual and instrument flight procedures. This would enable the ALUC to consider if those changes could have any implications for the ALUCP safety zones, noise contours, or airspace surfaces, potentially necessitating update of the ALUCP.

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Chapter 2
SAFETY COMPATIBILITY POLICIES AND STANDARDS

Chapter 2 provides safety compatibility policies and standards for Borrego Valley Airport. Appendix D, Safety Supporting Information, in the Rural Airport ALUCPs Technical Appendices provides the technical basis for delineating the safety zones for the 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 1.3.2, Exemptions from ALUC Review, in Chapter 1, Implementation.

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	Residential Density
Policy S.4	Density Bonus
Policy S.5	Accessory Dwelling Units
Policy S.6	Nonresidential Projects with a Single Use
Policy S.7	Nonresidential Projects with Multiple Uses
Policy S.8	Mixed Residential and Nonresidential Use Projects
Policy S.9	Ancillary Uses
Policy S.10	Enlargement or Reconstruction of Existing Buildings
Policy S.11	New Uses in Existing Buildings
Policy S.12	Building Located Partially Within a Single Safety Zone
Policy S.13	Building Located Within Two or More Safety Zones
Policy S.14	Building Located Equally Within Two or More Safety Zones

2.1 Safety Zones and Standards

Policy S.1 Safety Zone Map and Compatibility Standards Table

This ALUCP establishes the safety zones where safety policies and standards apply for Borrego Valley Airport. **Exhibit 2-1** depicts the safety zones as a graphic illustration for general planning guidance. The actual safety zone boundary files are maintained in a geographic information system (GIS) tool managed by the ALUC and accessible on the ALUC website for specific site planning.

Table 2-1 establishes the compatibility standards for proposed new development, by specific land use type, within each safety zone. The safety compatibility standards specify the compatibility or incompatibility of land uses within each safety zone. The standards also provide maximum residential density and nonresidential intensity limits for conditionally compatible land uses.

TABLE 2-1
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 subject to the standards specified in the righthand column (noise, airspace protection, and/or overflight factors also apply)
	Incompatible:	Use is not acceptable within the specified safety zone

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	**Safety Zone**						**Standards for Conditionally Compatible (yellow) Uses**
	1	**2**	**3**	**4**	**5**	**6**	
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 acre	8 dwelling units per acre	1 dwelling unit per acre		Maximum density is limited as indicated. New single residential units, including accessory dwelling units, are compatible on existing legal lots of record, subject to conditions described in Section 1.4, Single Residential Unit Development Consistency.
Group Quarters (not under care; common kitchen): halfway/settlement house, transitional living / rehab facility, dormitory							NA

TABLE 2-1 (CONTINUED)
Safety Compatibility Standards

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	**Safety Zone**						**Standards for Conditionally Compatible (yellow) Uses: Occupancy Factor*** (square feet per person)
	1	**2**	**3**	**4**	**5**	**6**	
	Maximum Intensity for Conditionally Compatible Uses						
	0 people	*60 people per acre*	*120 people per acre*	*150 people per acre*	*150 people per acre*	*200 people per acre*	
NONRESIDENTIAL USES							
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
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
Office, Commercial, Service, and Lodging Uses							
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

TABLE 2-1 (CONTINUED)
Safety Compatibility Standards

Land Use Types/Typical Uses *Note: Multiple categories may apply to a project*	**Safety Zone**						**Standards for Conditionally Compatible (yellow) Uses: Occupancy Factor*** (square feet per person)
	1	**2**	**3**	**4**	**5**	**6**	
	Maximum Intensity for Conditionally Compatible Uses						
	0 people	*60 people per acre*	*120 people per acre*	*150 people per acre*	*150 people per acre*	*200 people per acre*	
Office, Commercial, Service, and Lodging Uses (continued)							
Service Uses: personal, automobiles, 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
Industrial, Manufacturing, and Storage Uses							
Processing, Bulk Storage (≥10,000 gallons) or Use of Hazardous Materials							1,000
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
Educational and Institutional Uses							
Adult Schools: college/university, vocational/trade school							NA
Children Schools: kindergarten – 12th 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

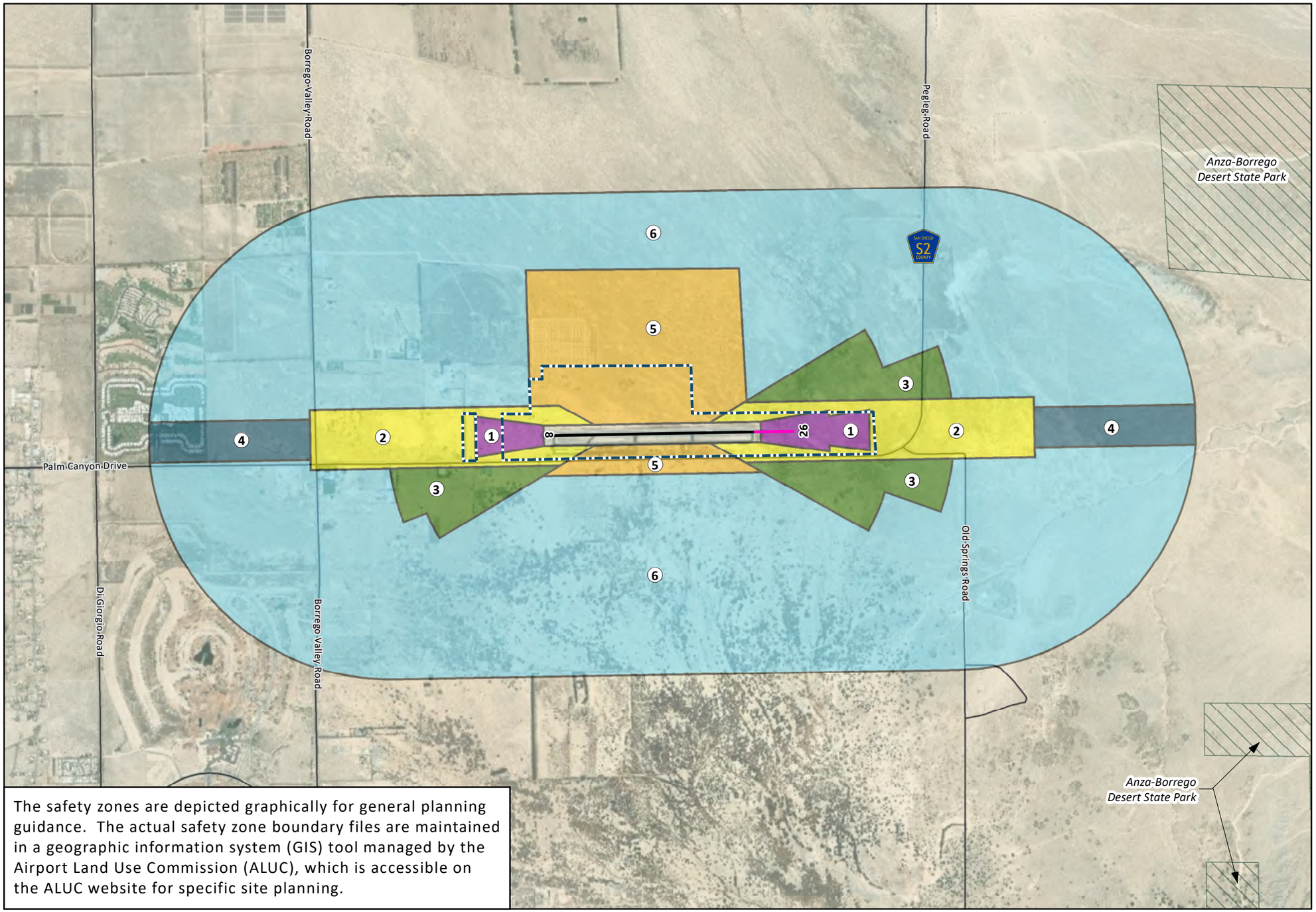
TABLE 2-1 (CONTINUED)
Safety Compatibility Standards

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	**Safety Zone**						**Standards for Conditionally Compatible (yellow) Uses: Occupancy Factor*** (square feet per person)
	1	**2**	**3**	**4**	**5**	**6**	
	Maximum Intensity for Conditionally Compatible Uses						
	0 people	*60 people per acre*	*120 people per acre*	*150 people per acre*	*150 people per acre*	*200 people per acre*	
Educational and Institutional Uses (continued)							
Emergency Services Facilities: police station, fire station							215
Inmate Facilities: jail, prison, detention facility							NA
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							NA
Street/Highway Rights-of-Way, Railroads, Public Transit Lines							NA
Waste Disposal Facilities: sanitary landfill, dump, refuse disposal facility, incineration plant, composting operations, animal/food waste processing and transfer stations							NA
Small Renewable Energy Facilities: photovoltaic solar arrays (<1 MW), small wind turbines (<100 kW)							NA
Minor Impact Utilities: electrical substation, transmission/distribution line towers, cell phone towers, radio/TV transmission antennas, emergency communications facility							NA
Major Impact Utilities: power plant (fossil fuel, nuclear, concentrating solar), large wind turbine facility (≥100 kW), photovoltaic solar power facility (≥1 MW), battery energy storage system associated with a public energy production and distribution system (not including residential battery storage systems), municipal/public water system storage tanks/reservoirs, wastewater treatment plant/pump station							NA

TABLE 2-1 (CONTINUED)
Safety Compatibility Standards

Land Use Types/Typical Uses *Note: Multiple categories may apply to a project*	**Safety Zone**						**Criteria for Conditionally Compatible (yellow) Uses: Occupancy Factor*** (square feet per person)
	1	**2**	**3**	**4**	**5**	**6**	
	Maximum Intensity for Conditionally Compatible Uses						
	0 people	*60 people per acre*	*120 people per acre*	*150 people per acre*	*150 people per acre*	*200 people per acre*	
Resource Production & Extraction							
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

* Occupancy factor – The average floor area, in square feet per person, occupied by an employee, customer, visitor, or guest at the specified land use.
NA – Not applicable



LEGEND

- Airport Property Boundary
- Existing Runway
- Future Runway Extension
- Federal/State Lands
- Roadway
- 1 – Runway Protection Zone
- 2 – Inner Approach/Departure Zone
- 3 – Inner Turning Zone
- 4 – Outer Approach/Departure Zone
- 5 – Sideline Zone
- 6 – Traffic Pattern Zone

Data Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, December 2019 (aerial photography – for visual reference only, may not be to scale); San Diego County GIS (SanGIS), 2016 (roads); SanGIS, 2020 (land ownership); Borrego Valley Airport, Airport Diagram, 2018 (Airport property boundary, runways). Ricondo & Associates, Inc., based in part on Coffman Associates 2018 analysis, 2021 (safety zones).

N

0 1,250 2,500 5,000

1 inch = 2,500 feet

The safety zones are depicted graphically for general planning guidance. The actual safety zone boundary files are maintained in a geographic information system (GIS) tool managed by the Airport Land Use Commission (ALUC), which is accessible on the ALUC website for specific site planning.

Borrego Valley Airport

Safety Zones

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

For any proposed land use that is not specified in **Table 2-1**, the ALUC (or local agency, if that agency has implemented this ALUCP) must determine the most similar land use in **Table 2-1**, based upon the land use classification guidance in Appendix A, Land Use Classification, in the Rural Airport ALUCPs Technical Appendices, and apply the standards for the most similar use to the proposed land use. Considerations include the following:

- the degree of concentration of people within a limited area (such as a restaurant compared to a warehouse), as high concentrations of people, in contrast to low concentrations, 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), as expansive open spaces, in contrast to limited open areas, may accommodate emergency landings by aircraft in distress;
- the presence of less-mobile, vulnerable occupants (such as children, the elderly, or incarcerated individuals) who require supervision or special care during an evacuation;
- 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.

2.2 Residential Land Uses

Policy S.3 Residential Density

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. The calculated density for the proposed land use project is compatible if it does not exceed the maximum density from **Table 2-1**.

Policy S.4 Density Bonus

The maximum compatible residential densities established in **Table 2-1** 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 2-1**.

Policy S.5 Accessory Dwelling Units

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

2.3 Nonresidential Land Uses

Policy S.6 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 2-1**.

Two example calculations are provided in the text box below. In the first example, the developer has a preliminary design for a retail building and wants to verify that it is compatible with the maximum intensity standard. In the second example, the developer wants to know the maximum building size that can be built in compliance with the intensity standard. Calculations may be rounded to the second decimal place, as indicated in the first example.

Example Calculation 1:

Project Description: Construction of a 5,250-square-foot retail store on 0.8-acre site in Zone 2.

Occupants per Acre: Based on **Table 2-1**, the occupancy factor for a retail land use is 170 square feet per occupant. Divide the proposed gross floor area of the building by the occupancy factor:
5,250 square feet ÷ 170 square feet/occupant = 30.8824 occupants, rounded to 30.88.

Intensity of the Project: Divide the number of occupants per acre by the area of the site in acres:
30.88 total occupants (people) ÷ 0.8 acre = 38.60 people/acre

Compatibility Determination: Calculated intensity of 38.60 people per acre is less than maximum of 60 people per acre prescribed for Zone 2. Project is compatible.

Example Calculation 2:

Project Description: Developer has a 1.2-acre property in Safety Zone 2 and is interested in developing the property for retail. How big a building would be compatible?

Maximum Gross Floor Area Per Acre: Multiply the retail occupancy factor from **Table 2-1** by the maximum intensity for Safety Zone 3 from **Table 2-1**:
170 square feet/person x 60 people/acre = 10,200 square feet per acre

Compatible Gross Floor Area of Building: Multiply the gross floor area per acre by the site area:
10,200 square feet/acre x 1.2 acres = 12,240 square feet

Policy S.7 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 2-1**.

Example Calculation 3:

Project Description: Construction of a building with 8,000 square feet of office space and 3,500 square feet of retail store space on a 1.7-acre site in Zone 3.

Office Space Occupancy: Based on **Table 2-1**, the occupancy factor for office use is 215 square feet/person. Divide the gross floor area planned for office by the occupancy factor:
8,000 square feet ÷ 215 square feet/occupant = 37.2093 occupants, rounded to 37.21

Retail Space Occupancy: Based on **Table 2-1**, the occupancy factor for a retail land use is 170 square feet/person. Divide the gross floor area planned for retail by the occupancy factor:
3,500 square feet ÷ 170 square feet/occupant = 20.5882 occupants, rounded to 20.59

Total Occupancy of the Project:
37.21 (office occupants) + 20.59 (retail occupants) = 57.80 total occupants

Intensity of the Project:
57.80 occupants ÷ 1.7 acres = 34.0 people/acre

Compatibility Determination: Calculated intensity is less than the maximum of 120 people per acre prescribed for Zone 3. Project is compatible.

Example Calculation 4:

Project Description: Developer has a 2.1-acre property in Safety Zone 3 and is interested in building an office/retail building with a maximum of 10,000 square feet of retail space. How big a building would be compatible?

Maximum Retail Gross Floor Area Per Acre:
10,000 square feet ÷ 2.1 acres = 4,762 square feet per acre

Maximum Office Gross Floor Area Per Acre: Multiply the office occupancy factor from **Table 2-1** is by the maximum intensity for Safety Zone 3 from **Table 2-1**:
215 square feet/person x 120 people/acre = 25,800 square feet per acre

Total Gross Floor Area of Building per Acre: 4,762 + 25,800 = 30,562 square feet per acre

Compatible Gross Floor Area of Building: Multiply the gross floor area per acre by the site area:
30,562 square feet/acre x 2.1 acres = 64,180 square feet

Two example calculations are provided in the text box on the preceding page. In Example Calculation 3, the developer has a preliminary design for an office/retail building and wants to verify that it is compatible with the maximum intensity standard. In Example Calculation 4, the developer wants to know the maximum building size of a mixed office/retail building that can be built in compliance with the ALUCP intensity standard.

2.4 Mixed Uses

Policy S.8 Mixed Residential and Nonresidential Use Projects

When determining the density and intensity of a proposed project with a mix of residential and nonresidential uses, the site area is apportioned based on the shares of total building area designated for residential and nonresidential uses.

For example, a mixed residential and nonresidential use development on a four-acre parcel with a building comprised of 25 percent commercial gross floor area and 75 percent residential habitable space would be evaluated as one acre of commercial (4 x 0.25 = 1) and three acres of residential (4 x 0.75 =3). To be deemed compatible, the intensity of the nonresidential portion and the density of the residential portion of the proposed project cannot exceed the maximum intensity and density described in **Table 2-1** for the safety zone. If the nonresidential portion of the project includes a mix of land uses with differing occupancy factors, the intensity of the nonresidential component of the project is calculated as explained in Policy S.7, Nonresidential Projects with Multiple Uses. Live/work projects are to be counted as residential units.

Live/work projects involve work quarters that also serve as a residence for the on-site worker or workers.

2.5 Supplemental Safety Compatibility Policies

Policy S.9 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 2-1**. Any ancillary use that is considered as incompatible per **Table 2-1** 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.10 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 2-1**. 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 2-1** 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.11 New Uses in Existing Buildings

Consistency review is required when a new use is proposed within an existing building. A new use is one with a different occupancy factor than the prior land use, as shown in **Table 2-1**. When determining the density or intensity for new uses in existing buildings, the lot size for the use is 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 1.25 acres (5 x 0.25 = 1.25).

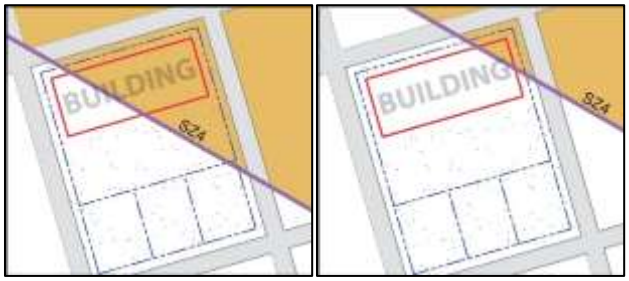
Nonresidential Projects: The maximum intensity for conditionally compatible projects is limited as described in **Table 2-1**. The intensity of the proposed new land use is calculated as described in Policy S.6, Nonresidential Projects with a Single Use and Policy S.7, Nonresidential Projects with Multiple Uses.

Residential Projects: The maximum density of a conditionally compatible residential project is limited as described in **Table 2-1**. Note that exceptions to the density limits apply to the 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 as described in Section 1.4, Single Residential Unit Development Consistency, in Chapter 1, Implementation.

Mixed Residential and Nonresidential Use Projects: Mixed residential and nonresidential projects will be evaluated as described in Policy S.8, Mixed Residential and Nonresidential Use Projects.

Policy S.12 Building Located Partially Within a Single Safety Zone

When more than 50 percent 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.

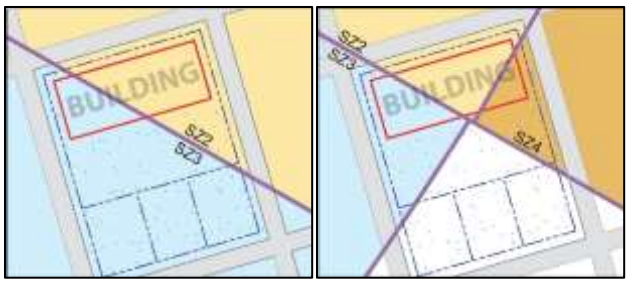


Policies of SZ 4 apply *No safety zone policies apply*

For Illustrative Purposes Only, Policy S.12

Policy S.13 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 for nonresidential uses and habitable space for residential uses) is located apply. However, no building or portion of a building is compatible within Safety Zone 1.

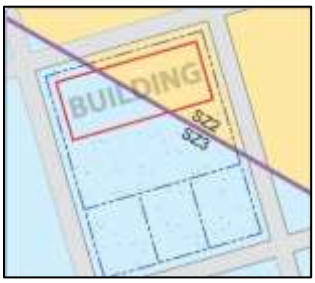


Policies of SZ 2 apply

For Illustrative Purposes Only, Policy S.13

Policy S.14 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 located apply. However, no building or portion of a building is compatible within Safety Zone 1.



Policies of SZ 2 apply

For Illustrative Purposes Only, Policy S.14

Chapter 3
NOISE COMPATIBILITY POLICIES AND STANDARDS

Chapter 3 provides noise compatibility policies and standards for Borrego Valley Airport. Appendix E, Noise Supporting Information, in the Rural Airport ALUCPs Technical Appendices provides the technical basis for delineating the noise contours 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, and changes to existing structures, unless exempt per Section 1.3.2, Exemptions from ALUC Review, in Chapter 1, Implementation.

A list of the noise compatibility policies is provided below:

Policy N.1	Noise Contour Map and Noise Compatibility Standards Table
Policy N.2	Land Uses Not Specified in Noise Compatibility Standards Table
Policy N.3	Enlargement or Reconstruction of an Existing Building
Policy N.4	New Uses in an Existing Building
Policy N.5	Evaluation of Noise Compatibility for Development with a Mix of Uses
Policy N.6	Building Split by a Noise Contour

3.1 Noise Contours and Standards

Policy N.1 – Noise Contour Map and Noise Compatibility Standards Table

This ALUCP establishes noise contours for Borrego Valley Airport where noise policies and standards apply. **Exhibit 3-1** depicts noise contours generated by airport operations over a forecasted 20-year period. The airport operations data used for the noise contour forecasts are in Appendix C, Airport Facilities and Activity Forecasts, in the Rural Airport ALUCPs Technical Appendices. **Exhibit 3-1** is a graphic illustration for general planning guidance. The actual noise contour files are maintained in a GIS tool managed by the ALUC and accessible on the ALUC website for specific site planning.

This ALUCP establishes the 55 dB CNEL contour as the threshold above which noise compatibility standards apply.[28] Land uses located outside the 55 dB CNEL contour are not subject to the noise compatibility policies and standards of this ALUCP. Proposed land uses are evaluated for consistency with the standards in **Table 3-1**.

28 California Department of Transportation, Division of Aeronautics, *California Airport Land Use Planning Handbook*, October 2011, pp. 4-5 – 4-9.

TABLE 3-1
Noise Compatibility Standards

Legend		
	Compatible:	Use is acceptable within the specified noise contour range (safety, airspace protection, and/or overflight factors also apply)
	Conditionally Compatible:	Use is acceptable if the indicated interior sound performance level is met (safety, airspace protection, and/or overflight factors also apply)
	Incompatible:	Use is not acceptable within the specified noise contour range

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	**Noise Contour Range (dB CNEL)**			
	55-60	**60-65**	**65-70**	**70+**
RESIDENTIAL USES				
Residential, including accessory dwelling units. New single residential units, including accessory dwelling units, are compatible on existing legal lots of record, subject to conditions described in Section 1.4, Single Residential Unit Development Consistency.				
Group Quarters: halfway/settlement house, transitional living / rehab facility, dormitory				
NONRESIDENTIAL USES				
Assembly Facilities				
Indoor or Outdoor Noise-Sensitive Spectator Assembly (≥500 people): amphitheaters				
Other Indoor or Outdoor Spectator Assembly (≥500 people): stadiums, racetracks, sports arena				
Outdoor Noise-Sensitive Assembly (spectator seating <500 people): wedding pavilions				
Other Outdoor Assembly (spectator seating <500 people): community swimming pools, multi-field sport complexes				
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)				
High-Intensity Outdoor Noise-Sensitive Recreation (no spectator seating): campground/RV park				
Other High-Intensity Outdoor Recreation (no spectator seating): active park (with playground equipment), archery/shooting range				
Indoor Noise-Sensitive Assembly (<500 people): places of religious assembly, fraternal lodge, funeral parlor				
Other Indoor Assembly (<500 people): theaters, bowling alley, sport/fitness facility				50
Office, Commercial, Service, and Lodging Uses				
Eating/Drinking Establishments (includes kitchen, food storage, waiting area, indoor/outdoor seating)				50
Retail Stores: convenience market, drugstore, grocery store, specialty retail sales				50
Low-Intensity Outdoor-Oriented Retail or Wholesale Trade: automobiles, heavy equipment, nurseries and greenhouses, lumber yards				50
Office Buildings: medical/dental offices, financial institutions, professional services, civic buildings				50

TABLE 3-1 (CONTINUED)
Noise Compatibility Standards

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	Noise Contour Range (dB CNEL)			
	55-60	60-65	65-70	70+
Office, Commercial, Service, and Lodging Uses (continued)				
Service Uses: personal, automobile, pet, or business services, self-service laundry, dry cleaning pick-up/drop-off (work done off-premises), full-service car wash				50
Car Wash (self-service or stand-alone automatic)				
Fuel sales: gas station, propane tank sales/rental				50
Hotels, Motels, Resorts (stays <30 consecutive days)			45/50	45/50
Industrial, Manufacturing, and Warehouse Uses				
Processing, Bulk Storage (>10,000 gallons) or Use of Hazardous Materials				50
Manufacturing, Industrial Processing, Research & Development				50
Industrial Outdoor Storage (except hazardous uses): public works yards, auto wrecking yards, boat/RV storage, construction contractor material storage, recyclables collection facility (no food waste, compost, or processing)				50
Self-Storage, Warehouses, Distribution Facilities (no employee work stations inside)				50
Educational and Institutional Uses				
Adult Schools: college/university, vocational/trade school				
Children Schools: kindergarten – 12th grade				
Commercial Day Care Centers (≥ 14 children)				
Cultural Facilities: library, museum, gallery				
Medical Facilities (patient unconscious); hospitals, in-/out-patient surgery center, psychiatric care facility				
Congregate Care Facilities (≥ 7 people under care): nursing/assisted living facility, foster childcare facility				
Emergency Services Facilities: police stations, fire stations				45/50
Inmate Facilities: jail, prison, detention facility				
Transportation, Communication, and Utilities				
Passenger Transportation Terminals: transit center, rail station, bus depot				50
Truck Terminals (no passengers)				50
Automobile Parking Structures				
Automobile Parking Surface Lots, Fleet Storage, Impound Lots				
Street/Highway Rights-of-Way, Railroads, Public Transit Lines				
Waste Disposal Facilities: sanitary landfill, dump, refuse disposal facility, incineration plant, composting operations, animal/food waste processing and transfer stations				50
Small Renewable Energy Facilities: photovoltaic solar arrays (<1 MW), small wind turbines (<100 kW)				50
Minor Impact Utilities: electrical substation, transmission/distribution line towers, cell phone towers, radio/TV transmission antennas, emergency communications facility				50

TABLE 3-1 (CONTINUED)
Noise Compatibility Standards

Land Use Types / Typical Uses *Note: Multiple categories may apply to a project*	Noise Contour Range (dB CNEL)			
	55-60	60-65	65-70	70+
Transportation, Communication, and Utilities (continued)				
Major Impact Utilities: power plant (fossil fuel, nuclear, concentrating solar), large wind turbine facility (≥100 kW), photovoltaic solar power facility (≥1 MW), battery energy storage system associated with a public energy production and distribution system (not including residential battery storage systems), municipal/public water system storage tanks/reservoirs, wastewater treatment plant/pump station				50
Resource Production & Extraction				
Agriculture, Horticulture, Floriculture, and Forestry				
Aquaculture/Hydroponics (enclosed structures only)				
Mining: sand, gravel, clay, mineral/ore, oil/gas, groundwater extraction, quarry, rock crushing, asphalt paving or concrete batch plant				

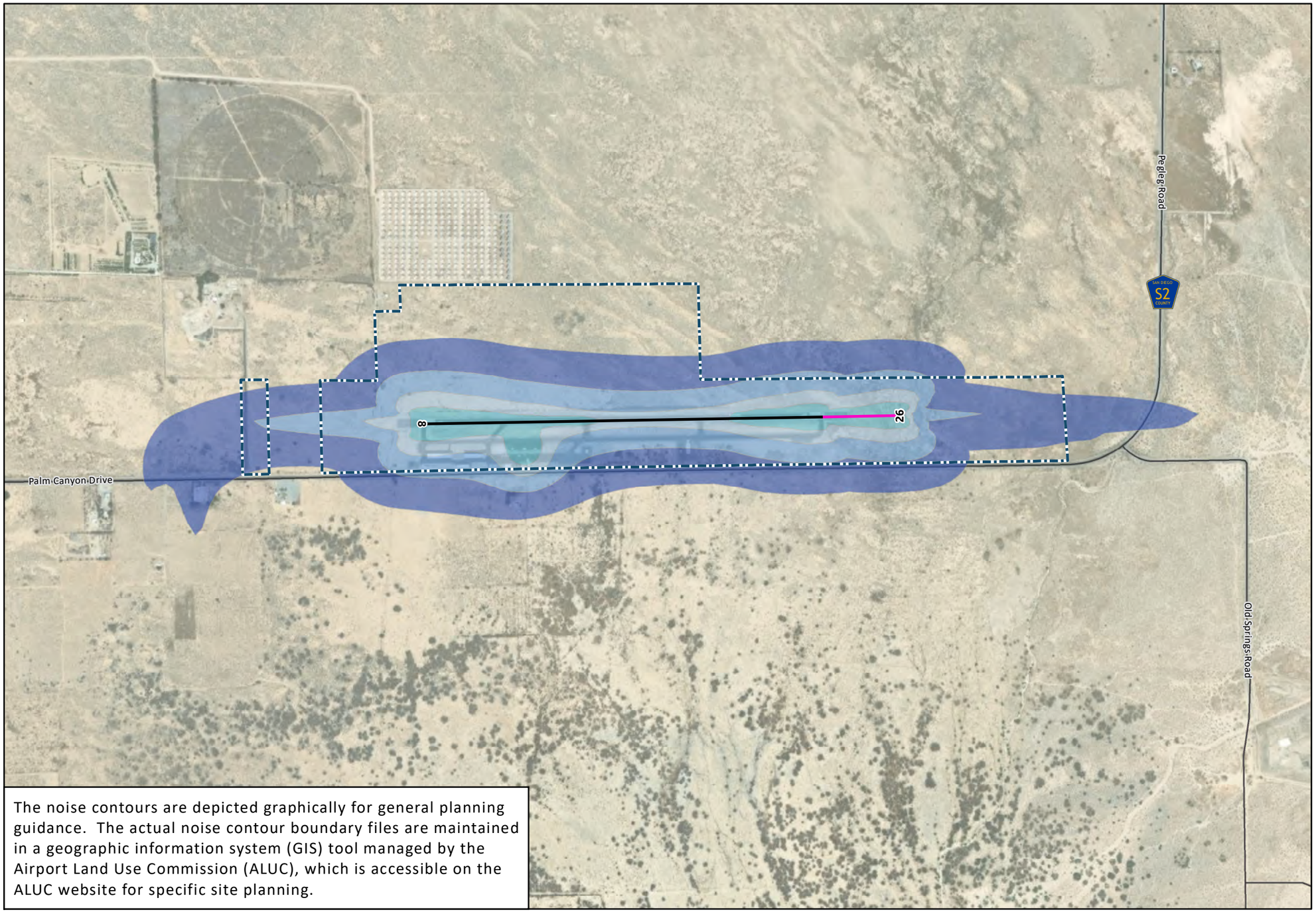
Conditions	
50	The interior of any building intended for human occupancy should be capable of attenuating exterior noise to 50 dB CNEL
45/50	Sleeping rooms should be attenuated to 45 dB CNEL, and any other indoor areas intended for human occupancy should be attenuated to 50 dB CNEL

Policy N.2 – Land Uses Not Specified in Noise Compatibility Standards Table

For any proposed land use that is not specified in **Table 3-1**, the ALUC (or local agency, if that agency has implemented this ALUCP) must determine the most similar land use in **Table 3-1**, based upon the land use classification guidance in Appendix A, Land Use Classification, in the Rural Airport ALUCPs Technical Appendices, and apply the standards for the most similar use to the proposed land use. Considerations include whether the land use involves sleeping rooms and activities where a quiet indoor environment is needed.

Policy N.3 – Evaluation of Noise Compatibility for Development with a Mix of Uses

When a land use project involves a combination of different land uses, each component use is subject to the applicable noise standards specified in **Table 3-1**.



LEGEND

- Airport Property Boundary
- Existing Runway
- Future Runway Extension
- Federal/State Lands
- Roadway

CNEL Noise Contour Range

- 55-60 dB CNEL
- 60-65 dB CNEL
- 65-70 dB CNEL
- 70+ dB CNEL

NOTES:

Noise capability policies apply within the 55 dB CNEL and higher contours.

CNEL – Community Noise Equivalent Level

dB – Decibel

Data Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, December 2019 (aerial photography – for visual reference only, may not be to scale); San Diego County GIS (SanGIS), 2016 (roads); SanGIS, 2020 (land ownership); Coffman Associates, AEDT Version 2d, 2018 (noise contours); Borrego Valley Airport, Airport Diagram, 2018 (Airport property boundary, runways).

N

0 625 1,250 2,500

1 inch = 1,250 feet

The noise contours are depicted graphically for general planning guidance. The actual noise contour boundary files are maintained in a geographic information system (GIS) tool managed by the Airport Land Use Commission (ALUC), which is accessible on the ALUC website for specific site planning.

Borrego Valley Airport

Noise Contours

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3.2 Changes to Existing Buildings and Land Uses

Policy N.4 – Enlargement or Reconstruction of an Existing Building

Unless otherwise exempt by Section 1.3.2, Exemptions from ALUC Review, in Chapter 1, Implementation, consistency review is required for the enlargement of the gross floor area or reconstruction of any existing building. The enlarged or reconstructed part of the building is subject to the sound performance levels specified in **Table 3-1**. An existing land use which either cannot achieve the specified sound performance level or is designated an incompatible use within its noise contour range per **Table 3-1** may not be enlarged and may be reconstructed to its original gross floor area only if destroyed by calamity and an avigation easement is granted by the project sponsor to the Airport owner and operator.

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

An **easement** is a right by legal document held by one entity to make use of land owned by another entity for limited purposes as specified in the document. An **avigation easement,** as considered in Policy N.4, is an easement that conveys the right of flight passage over a property and the corresponding right to cause associated impacts, including noise, vibration, air currents, engine emissions, and fuel vapors. (Other avigation easements may also grant an airport operator access to the property to maintain navigational aids erected by the FAA or airport operator and to remove, modify, or abate objects, such as trees, penetrating FAA airspace surfaces or interfering with aircraft communications or pilot or controller vision.)

Policy N.5 – New Uses in an Existing Building

Consistency review is required for any new use proposed within an existing building. The new use is subject to the compatibility standards for that use specified in **Table 3-1**.

Policy N.6 – Building Split by a Noise Contour

The standards for the noise contour range within which more than 50 percent of the building is located, as determined by nonresidential gross floor area or residential habitable area, apply. For buildings with equal proportions in two noise contour ranges, the standards of the higher noise contour range apply. If more than 50 percent of a building is outside a noise contour range, no noise standards apply.

Standards of 70-75 dB CNEL range apply

For Illustrative Purposes Only, Policy N.6

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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 for Borrego Valley Airport. Appendix F, Airspace and Overflight Supporting Information, of the Rural Airport ALUCPs Technical Appendices provides the technical basis for the airspace protection and overflight boundaries for the Airport and the policies and standards. In addition to the policies and standards 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 1.3.2, Exemptions from ALUC Review in Chapter 1, Implementation.

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	

4.1 Airspace and Overflight Boundary Map and FAA Review

Policy A.1 Airspace Protection and Overflight Boundaries

This ALUCP establishes the airspace protection and overflight boundaries for Borrego Valley Airport, depicted on **Exhibit 4-1**. The exhibit is provided for general planning purposes. The actual airspace boundary files are maintained in a GIS tool managed by the ALUC and are accessible on the ALUC website for specific site planning.

Policy A.2 FAA Notification Requirements

Sponsors of proposed construction or 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 any of the following apply:[29]

- Any component of the project is taller than 200 feet regardless of location[30], or

29 14 CFR §77.9
30 14 CFR §77.11

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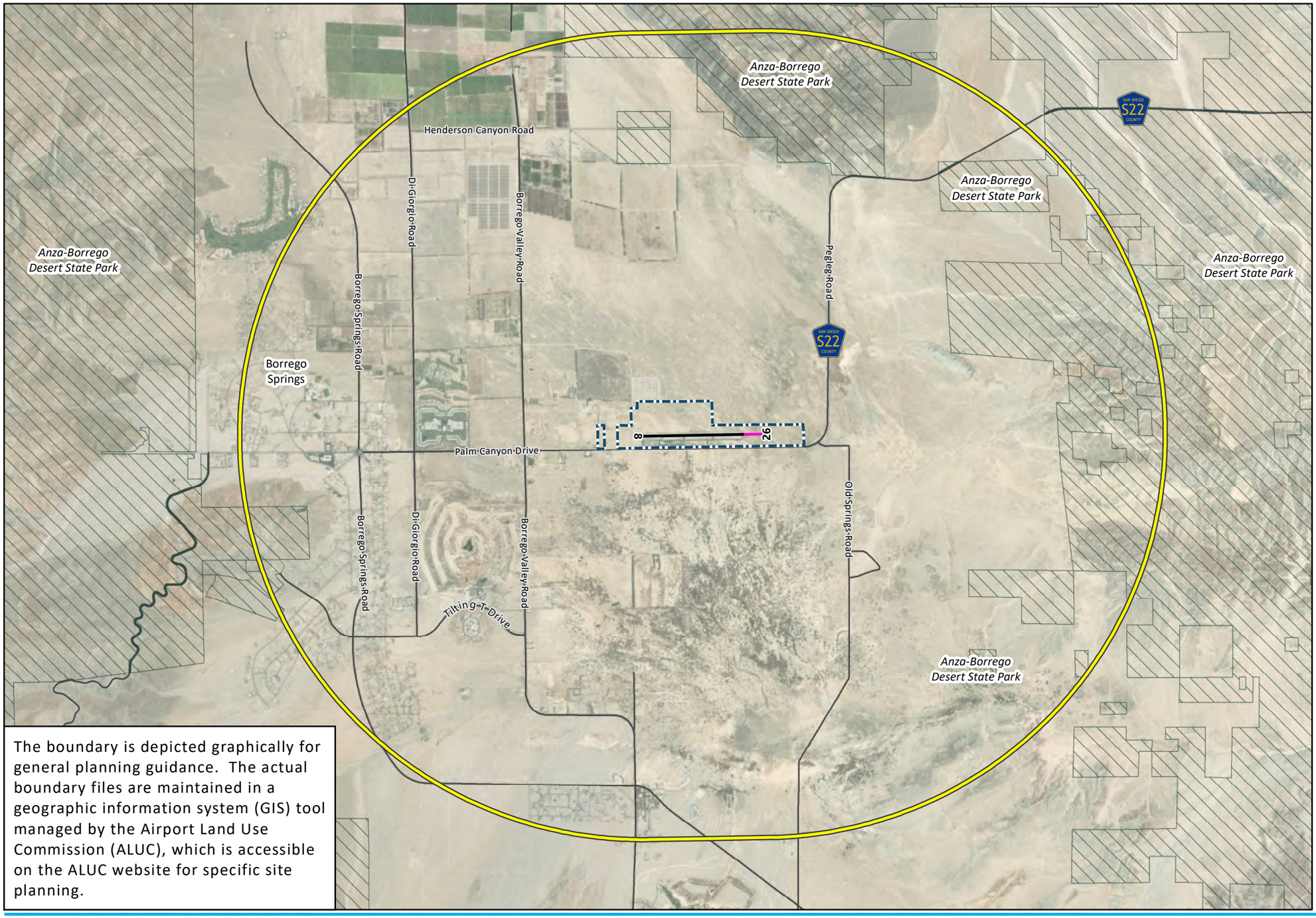

The boundary is depicted graphically for general planning guidance. The actual boundary files are maintained in a geographic information system (GIS) tool managed by the Airport Land Use Commission (ALUC), which is accessible on the ALUC website for specific site planning.

LEGEND

- Airport Property Boundary
- Existing Runway
- Future Runway Extension
- Federal/State Lands
- Roadway
- Airport Influence Area, Airspace Protection and Overflight Boundary [1]

NOTE:

1 Airspace protection boundary extends to the outer edge of the 14 Title Code of Federal Regulations Part 77 100:1 notification surface boundary. See Appendix F, Exhibit F-3.

Data Sources: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, December 2019 (aerial photography – for visual reference only, may not be to scale); San Diego County GIS (SanGIS), 2016 (roads); SanGIS, 2020 (land ownership); Coffman Associates, 2018 (airport influence area, airspace protection and overflight boundary); Borrego Valley Airport, Airport Layout Plan, 2010 (Airport property boundary, runways).

N

0 2,500 5,000 10,000

1 inch = 5,000 feet

Borrego Valley Airport

Airport Influence Area, Airspace Protection and Overflight Boundary

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- The project is located within the boundary depicted on **Exhibit 4-1**, or
- The FAA Notice Criteria Tool[31] indicates that notification to the FAA is requested for the project.

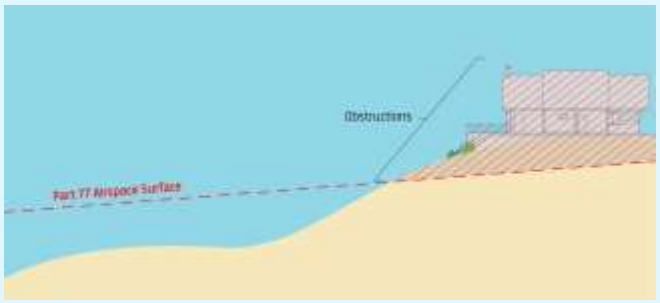
If FAA review is required, a copy of the FAA Notice of Determination letter must be included with any ALUC application for determination of consistency.

For additional information on governing federal and state airspace considerations, see Appendix F, Airspace and Overflight Supporting Information, of the Rural Airport ALUCPs Technical Appendices.

4.2 Compatibility of Structures/Objects

After receiving a Form 7460-1, the FAA reviews the proposal through its Obstruction Evaluation / Airport Airspace Analysis (OE/AAA) process, involving an obstruction evaluation and aeronautical study to determine the effect of the proposed structure/object on airspace. 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, 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*.* Objects that are hazards to air navigation are those that have been determined to be not sufficiently clear of airspace critical for instrument flight procedures, to adversely affect the useable length of an existing or planned runway, or to result in other adverse effects, such as electromagnetic interference, hindrances to visibility from control towers, or pilot distraction.

* §§6-3-4 and 6-3-5 (effective February 28, 2019)

31 Federal Aviation Administration, Department of Obstruction Evaluation / Airport Airspace Analysis, Notice Criteria Tool, https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm (accessed September 16, 2021).

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 with no recommendations for marking or lighting of the structure/object.

Policy A.4 Conditionally Compatible Structures/Objects

If the FAA issues a Determination of No Hazard with marking and lighting recommendations, the proposed structure/object may be made conditionally compatible with this ALUCP if:

1. The proposed structure/object incorporates obstruction lighting systems and/or marking per FAA standards[32]; and
2. The subject property owner grants an avigation easement to the airport operator.

Policy A.5 Incompatible Structures/Objects

A proposed structure/object is incompatible with the airspace policies of this ALUCP 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/ 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.

4.3 Protection of Flight Safety

Policy A.6 Standards for the Protection of Flight Safety

As part of the local agency's ALUC application, the sponsors of proposed projects within the AIA must certify that all of the characteristics described in Policies A.6.1 through A.6.6 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. A copy of the certification statement is provided in Appendix B, Implementation Tool and Documents, of the Rural Airport ALUCPs Technical Appendices.

Airport Influence Area (AIA) – The area encompassed by the combination of safety zones, noise contours, airspace surfaces, and the overflight boundary within which the policies and standards of the ALUCP apply.

32 Federal Aviation Administration, Advisory Circular 70/7460-1L, *Obstruction Marking and Lighting.*

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. A variety of materials may contribute to glare/glint. See Appendix B, Implementation Tool and Documents, of the Rural Airport ALUCPs Technical Appendices for specific information about GlareGauge, a tool for evaluating the potential glare effects of solar installations and other highly reflective surfaces.[33]

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. [34]

Policy A.6.5 Sources of Thermal Exhaust Plumes

Land use projects that create thermal exhaust plumes with the potential to interfere with the safe control of aircraft are incompatible with this ALUCP. Thermal exhaust plumes may have the potential to interfere with safe control of aircraft if over 200 feet above the ground at upward velocities of 14.1 feet per second or greater.[35] See Appendix B, Implementation Tool and Documents, of the Rural Airport ALUCPs Technical Appendices for information about the Exhaust Plume Analyzer.[36]

33 Available under license from ForgeSolar. ForgeSolar, https://forgesolar.com/ (accessed September 15, 2021).

34 As of the writing of this ALUCP, the FAA, the Federal Communications Commission, aircraft operators, and cellular voice and data providers were coordinating on the resolution of the potential for avionics interference from the introduction of 5G cellular service near airports.

35 California Energy Commission, *Blythe Solar Power Project – Commission Decision*, CEC-800-2010-009 CMF, Docket Number 09-AFC-6, September 2010, p. 470.

36 The MITRE Corporation, https://www.mitre.org/research/technology-transfer/technology-licensing/exhaust-plume-analyzer (accessed September 14, 2021).

Policy A.6.6 Wildlife Attractants

The following land uses that have the potential to attract wildlife are incompatible with this policy.[37]

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:
   (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.

4.4 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.

37 Federal Aviation Administration, Advisory Circular 150/5200-33C, *Hazardous Wildlife Attractants on or Near Airports.*

At a minimum, any notice should include the following language per state law:[38]

> 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.

38 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.

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