

FRESNO COUNTY AIRPORT LAND USE COMMISSION



FRESNO YOSEMITE INTERNATIONAL AIRPORT COMPATIBILITY LAND USE PLAN

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FRESNO YOSEMITE INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN

CHAPTER 1 : INTRODUCTION – SCOPE OF THE PLAN

1.1 Authority and Purpose

Requirements for creation of airport land use commissions were first established under the California State Aeronautics Act (Public Utilities Code Section 21670, et seq.) in 1967. The fundamental purpose of the Airport Land Use Commission (ALUC or Commission) is to promote land use compatibility around airports and is expressed in the statute as:

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

The statutes give ALUC’s the following powers and duties, subject to limitations, by which to accommodate the following:

- Assist local agencies in ensuring compatible land uses in the vicinity of airports to the extent that land in the vicinity of the airport is not already devoted to incompatible uses.
- Coordinate planning at the state, regional and local level, so as to provide for the orderly development of air transportation, while at the same time protect public health, safety and welfare;
- Prepare and adopt airport land use compatibility plans.

The State Aeronautics Act (Public Utilities Code, Section 21670 et seq.) requires preparation of an airport land use compatibility plan for nearly all public-use airports in the State of California (Section 21675). Compatibility Plans specifically provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission and safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general.

1.2 Airport Identification

The airport addressed by this plan is Fresno Yosemite International Airport (FYI). Prior to October 3, 1996, FYI was formerly known as the Fresno Air Terminal. However, the official Federal Aviation Administration (FAA) identifier has remained FAT.

1.3 Geographic Coverage

The policies of this Compatibility Land Use Plan (CLUP or Plan) apply to all land within the Airport Influence Area. The Airport Influence Area (AIA) is depicted in Figure 4.5 and consists of all land within the 60 or greater CNEL contours (refer to Figure 4.1) and within Safety Compatibility Zones 1 through 5 (refer to Figure 4.2.1).

1.4 Jurisdictions Affected

The jurisdictions affected by this CLUP are: Fresno County, City of Fresno, and City of Clovis.

1.5 Limitations of the Plan

There are important limitations to an ALUC's authority. ALUC's have no authority over either existing land uses (Section 21670(a)(2)) or the operation of airports (Section 21674 (e)). Once a local agency has made its general plan consistent with the ALUC plan, the ALUC's authority to review projects within that jurisdiction is narrowly limited. The only actions for which review remains mandatory are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an AIA. Submittal of individual projects for ALUC review is voluntary.

CHAPTER 2: AIRPORT INFORMATION

2.1 Planning Status

FYI, in cooperation with the FAA, updated the airport master plan in 2006. Known as the January 2006 FYI Master Plan Update (AMP), the process included a total of six meetings with input from the public and several agencies, including the ALUC. Although not formally adopted, the AMP provides a 20 year planning window for FYI, including an FAA approved 20 year aviation demand forecast, and an FAA approved Airport Layout Plan (ALP). In 2012 FYI, in cooperation the FAA, updated the ALP based on a congressionally mandated Runway Safety Area (RSA) Program.

2.2 Airport Layout Plan

Refer to Figure 4.4, FAA approved ALP.

2.3 Airport Activity

FYI is the largest and busiest commercial service airport in California's Central Valley and is owned and operated by the City of Fresno. The principal runway (11L-29R) is 9,227 feet long and 150 feet wide. A parallel runway (11R-29L), scheduled to reopen in late 2012 after a complete reconstruction, is 8,006 feet long and 150 feet wide. The elevation of the airport is 336 feet above Mean Sea Level (MSL).

FYI is a joint use civilian/military airport. It is used by commercial air carriers, air cargo operators, charter operators, the State of California, general aviation, and the United States military. The California Air National Guard (CANG) occupies a 58 acre area adjacent to McKinley Avenue in the southeast portion of FYI. A helicopter repair and maintenance unit of the Army National Guard, the California Division of Forestry, and a number of corporate aviation businesses occupy facilities north of the runways. About 250 general aviation aircraft are based at FYI and two Fixed Base Operators (FBO's) offer a wide range of aeronautical services.

The AMP and subsequent joint environmental document (2011 EA/EIR) took into consideration the 20 year FAA approved aviation demand forecast, which was a key step in providing a basis for determining the aviation development and activity at the airport. The aviation demand forecast data and detailed distribution of operations can be found in the EA/EIR. The 2012 updated ALP is based on an FAA approved RSA study of alternatives and recommended plan, and is supported by a NEPA EA and a CEQA Initial Study (2012 EA/MND).

CHAPTER 3: COMPATIBILITY POLICIES & CRITERIA

3.1 Noise

The purpose of noise compatibility policies is to avoid establishment of new noise-sensitive land uses and exposure of the users to levels of aircraft noise that can disrupt activities involved. The noise contours established for the purpose of evaluating noise compatibility of land use are depicted on Figure 4.1. The state law (Public Utilities Code Section 21675(a)) requires that noise contours reflect the anticipated growth of the airport during at least the next 20 years. The AMP, 2011 EA/EIR, and 2012 EA/MND provided the activity forecast used in the contour calculations.

- (1) Airport land use noise compatibility shall be evaluated in terms of the Community Noise Equivalent Level (CNEL), as defined in Title 21, Subchapter 6, of the California Code of Regulations (noise standards). Wherever used in this plan, the term CNEL shall be assumed to be an annual average.
- (2) The maximum noise exposure which shall be considered normally acceptable for residential areas is 65 db CNEL. The residential area criterion establishes the baseline from which noise compatibility for other land uses shall be evaluated.
- (3) The relative acceptability or unacceptability of particular land uses with respect to the noise levels to which they would be exposed is indicated in the "Airport Land Use Noise Compatibility Criteria" matrix, Table 1. These criteria shall be the principal determinants of whether a proposed land use is compatible with the noise impact from FYI. Special circumstances which would affect the specific proposal's noise sensitivity (e.g., the extent or lack of outdoor activity) shall also be taken into account.

- (4) As determined by the ALUC, a condition for approval of a proposed land use which is shown on Table 1 identified as "Conditional" for a given noise environment shall be that the building intended for habitation or occupation provide a satisfactory degree of noise attenuation. Table 2 sets forth the permitted interior noise levels. If the structure can reduce the noise exposure to the outlined noise levels, the use may be deemed compatible.
- (5) New residential development and new schools shall be prohibited within the 65 CNEL contour of FYI unless it is determined that there is no feasible alternative to such development of the subject property and provided that the following conditions are met:
 - (a) The record property owner grants an avigation easement to the City of Fresno.
 - (b) The record property owner executes an agreement in favor of the City of Fresno, whereby the property owner shall indemnify, hold harmless and defend the City and the ALUC, and every officer and employee thereof from any and all loss, liability, damages, costs, suits or claims arising out of the location of the development within the 65 CNEL contour.
 - (c) New residential structures shall incorporate noise insulation in compliance with Title 24 of the California Code of Regulations such that interior noise levels are reduced to no more than 45 db CNEL.
- (6) An acoustical analysis shall be required prior to the approval of a special permit (site plan or conditional use permit) for any new residential use, transient lodging, school, library, hospital, nursing home, day nursery, church, auditorium or a concert hall located within a 65 or greater CNEL contour. For single family residential proposals, an acoustical analysis shall be required as a condition of subdivision map approval, said analysis to be submitted prior to the issuance of building permits. The acoustical analysis shall be completed in a manner consistent with Title 24 of the California Code of Regulations. A special permit for the uses listed above shall not be approved unless the acoustical analysis demonstrates that interior noise levels attributable to exterior sources does not exceed 45 db CNEL in any habitable room with windows and doors closed. In quantifying aircraft noise exposure of the project site, the acoustical analysis shall include consideration of engine run up noise where applicable. A single report may suffice for all similar proposals within the same CNEL contour.
- (7) Within the 70 CNEL contour, new or redeveloped schools, hospitals, nursing homes, libraries, day nurseries, churches, auditoriums, and amphitheatres shall be prohibited. New residential uses (excluding transient lodging) shall be prohibited, except as provided for in Policy No. (8), below.

- (8) Existing residential uses lying within the 70 CNEL contour, that conform to the land use designations of this plan, may be remodeled in such a way that does not increase the floor space of the residence, or rebuilt if destroyed by fire, explosion or other catastrophic means, consistent with regulations adopted by the local jurisdiction.
- (9) When applying the noise compatibility criteria listed in Table 1 to a given location, the basis for evaluation shall be the maximum CNEL contour shown in the CLUP.
- (10) If a noise analysis, including noise monitoring, indicates that project noise exposure may be higher or lower than indicated by the Airport Land Use Noise Compatibility Criteria, Table 1, due to site-specific conditions or changes in Airport/aircraft operations, the noise exposure used for project evaluation may be adjusted at the discretion of the ALUC.

3.2 Overflight

Noise from individual aircraft can be intrusive and annoying in locations beyond the limits of the mapped noise contours. Sensitivity to aircraft overflights varies from one person to another. The purpose of overflight compatibility policies is to help notify people about the presence of overflights near airports so that they can make informed decisions regarding acquisition or lease of property in the affected areas. Overflight compatibility is particularly important with regard to residential land uses.

- (1) The overflight compatibility of proposed land uses within the AIA shall be evaluated in accordance with the policies set forth in this section.
- (2) Except when overriding circumstances exist, a condition for approval of any residential development proposal (i.e., zone change, subdivision map, conditional use permit, site plan review) within the AIA, as defined herein, shall be the dedication of an avigation easement to the City of Fresno.
- (3) An Avigation Easement and Agreement shall be required for all development proposals (commercial, industrial or residential) within the 65 CNEL contour. The avigation easement shall contain the following property rights:
 - (a) Right-of-flight at any altitude above acquired easement surfaces.
 - (b) Right to generate noise, vibrations, fumes, dust and fuel particle emissions.
 - (c) Right-of-entry to remove, mark, or light any structures or growths above easement surfaces.

- (d) Right to prohibit creation of electrical interference, unusual light sources, and other hazards to aircraft flight.
- (e) Right to prevent erection or growth of all objects above acquired easement surfaces.

The easement surfaces acquired shall be based on Part 77 of the Federal Aviation Regulations except that no easement surface less than 35 feet above ground shall be acquired.

- (4) A Covenant shall be required as a further condition for approval of residential development proposals within the AIA and all development proposals within the 65 CNEL contour. The local jurisdiction shall, except where overriding circumstances exist, require the property owner(s) to record a covenant providing the following:
 - (a) That it is understood by the owners and owners' successors in interest that the real property in question lies close to the Fresno Yosemite International Airport and that the operation of the airport and the landing and take-off of aircraft may generate high noise levels which will affect the habitability and quiet enjoyment of the property.
 - (b) That the owners covenant to accept and acknowledge the operation of the Fresno Yosemite International Airport.
- (5) The above aviation easement, covenants, conditions and restrictions shall be recorded in the office of the Fresno County Clerk/Recorder and shall run with the land and shall be binding upon the present and subsequent owners of the property.
- (6) Effective January 1, 2004, California state statutes (Business and Professional Code Sections 1102.6, 1103.4 and 1353) require that, as part of residential real estate transactions, information be disclosed regarding whether the property is situated within an AIA. Buyer notification shall be accomplished by the use of real estate disclosure statements for property within the AIA. The disclosure statements shall notify the buyers of property located within the AIA of Fresno Yosemite International Airport and that aircraft overflights may affect the habitability and quiet enjoyment of the property.

3.3 Safety

The intent of land use safety compatibility is to minimize the risks associated with an off-airport aircraft accident or emergency landing. Risks both to people and property on the ground in the vicinity of the airport and to people on board aircraft are considered. The safety compatibility of land use development is outlined in Table 3. The zone boundaries are based upon general aviation aircraft accident location data contained in the California Airport Land Use Planning Handbook along with data regarding the runway configuration and aircraft operational procedures at FYI.

- (1) Land uses or land use characteristics which may affect safe air navigation or because of their nature and proximity to an airport, may be incompatible with the airport and shall be avoided in the vicinity of FYI.
- (2) The criteria which shall be used to evaluate whether a land use is acceptable with respect to its airport proximity are set forth in Table 3, entitled Airport Land Use Safety Compatibility Criteria. The indicated Safety Compatibility Zones (SCZs), as defined in the California Airport Land Use Planning Handbook, shall be used.

NOTE: Within SCZs 3 and 4 the following shall apply:

- (a) Existing development that conforms to existing zoning regulations may be rebuilt in the event it is destroyed by fire or Act of God in accordance with regulations of the local jurisdiction.
 - (b) The regulations identified in the California Land Use Handbook, are not intended to take development rights such that the economic viable use of land is unduly restricted. Therefore, development of vacant property or redevelopment of property in accordance with the zoning regulations shall not be prohibited on the basis of the restrictions set forth in Table 3. This provision shall not apply to schools, hospitals, nursing homes, churches, auditoriums, concert halls, amphitheaters or other uses that would result in a large concentration of people.
- (3) Land uses which attract wildlife that pose a hazard to aviation activities are a special concern adjacent to airports. Examples of land use which may attract hazardous wildlife include landfills and bodies of standing water. In reviewing a project for safety compatibility, the most current version of the FAA Advisory Circular AC No. 150/5200-33 (Hazardous Wildlife Attractants On or Near Airports) shall be considered. The review area identified in this circular is outlined as the boundary within 10,000 feet of the Airport Operations Area.

3.4 Airspace Protection

The objective of airspace protection policies is to ensure that structures and other uses of the land do not cause hazards to aircraft in flight in the airport vicinity. Hazards to flight include physical obstructions to the navigable airspace, wildlife hazards (particularly bird strikes) and land use characteristics that create visual or electronic interference with aircraft navigation or communication. Boundaries of this zone represent the imaginary surfaces defined for the airport in accordance with Federal Aviation Regulations (FAR) Part 77.

- (1) No structure, tree, or other object shall be permitted to exceed the height limits established in accordance with Part 77, Subpart C, of the FAR. This criterion applies unless, in the case of a proposed object or growing tree, one or more of the following conditions exist:
 - (a) The object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation;
 - (b) The FAA has conducted an aeronautical study and either determined that the object would not result in a hazard to air navigation or made recommendations for the object's proper marking and lighting as an obstruction, and FAA recommendations, if any, are properly implemented;
 - (c) The object is otherwise exempted from the requirements of FAR Part 77.

In the case of an existing object, this criterion also applies unless the object exceeded the prescribed height limits at the time the Plan is adopted or amended, marking and lighting may still be required.

- (2) No object shall be permitted to be erected that, because of height or other factors, would result in an increase in the minimum ceiling or visibility criteria for an existing or proposed instrument approach procedure to any runway.
- (3) The FAR Part 77 surfaces depicted on the Airspace Protection Surfaces (Figures 4.3.1 through 4.3.5) shall be used in conjunction with the above airspace policies to determine whether the height of an object is acceptable.

CHAPTER 4: COMPATIBILITY ZONE MAPS

4.1 Noise Contours

The recently updated AMP and the adopted EA/EIR provides the activity forecast used in the contour calculations. Refer to Figure 4.1, Noise Contours.

4.2 Safety Zones

The California Airport Land Use Planning Handbook (Handbook), **October 2011**, provides guidance for Safety Zone Configuration. These zones are delineated based on the type of airport, size of airport, and operational characteristic. Refer to Figure 4.2.1, Safety Compatibility Zones.

4.3 Airspace Protection Surfaces

Part 77 of the FAR, *Objects Affecting Navigable Airspace*, establishes standards for determining obstructions to navigable airspace and the effects of such obstructions on the safe and efficient use of that airspace. Refer to Figures 4.3.1 through 4.3.5, Airspace Protection Surfaces.

4.4 Airport Layout Plan

The Airport Layout Plan (ALP) is an FAA approved document that depicts planned development at the airport. Refer to Figure 4.4 (**2012** FAA approved ALP). For evaluation purposes the most recent ALP on file with FAA shall be used.

CHAPTER 5: PROCEDURAL POLICIES

5.1 Types of Actions Reviewed

Review of local actions pertaining to airport land use compatibility is one of the fundamental reasons for the formation of an ALUC. The law specifies that local jurisdictions must refer certain actions to the ALUC for review. Local land use actions included in this category are proposed adoption or amendment of general plans, specific plans, zoning ordinances, and building regulations affecting land within an AIA. Also required to be submitted for ALUC review are several types of airport development plans. ALUC review of three categories of airport plans is mandatory in accordance with state law. These reviews are: airport master plan, construction plan for new airports and airport expansion plan.

5.2 Project Information

The Fresno County, Airport Land Use Commission, Application Review Form is used for coalescing and reviewing information.

5.3 Timing of Review

Time is a factor with regard to the project review process in two ways:

- (1) Timing of Project Submittal. Plans and projects shall be referred to the ALUC at the earliest reasonable point in time so that the Commission's review can be duly considered by the local jurisdiction prior to formalizing its actions. Depending upon the type of plan or project and the normal scheduling of meetings, ALUC review can be done before, after, or concurrently with review by the local planning commission and other advisory bodies, but must be accomplished before final action by the decision making bodies.
- (2) Response Time Requirement. The ALUC must respond within 60 days of referral to local agency requests for a consistency determination on plans or projects for which submittal is mandatory. However, this response period does not begin until such time as all information necessary for accomplishment of the project review has been submitted to the Commission.

5.4 ALUC Staff Responsibilities

- (1) Coordinate with local agency staff to obtain information regarding specific projects to be reviewed by the ALUC;
- (2) Provide general assistance to local agency staff regarding airport compatibility issues;
- (3) Work with ALUC chairman regarding meeting schedules and agendas;
- (4) Prepare staff reports and meeting agendas;
- (5) Issue required public notices of pending Commission actions;
- (6) Record meeting minutes;
- (7) Notifying local agencies of Commissions decisions on items submitted for review.

5.5 ALUC Action Choices

ALUC choices of action on a land use plan or project submitted for review may either be consistent or inconsistent with the compatibility plan. Although the Aeronautics Act (Sections 21676(a) and 21676.5(a)) mentions only the above two choices of action and no mention is made about finding a proposal *consistent with conditions attached*. The Fresno County ALUC has decided to approve projects with conditions attached. When a finding of consistency is made contingent upon certain conditions, the conditions should be limited in scope and described in a manner which allows compliance to be clearly assessed.

CHAPTER 6: INITIAL REVIEW OF GENERAL PLAN CONSISTENCY

There are no conflicts between the recently adopted CLUP and the local jurisdiction plans. As outlined by the Handbook, consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of proposed action must not conflict with the intent of law or the compatibility plan to which the comparison is made. The Handbook specifically outlines that to be fully consistent with the compatibility plan, a general plan must not have any direct conflicts with the compatibility plan; and must delineate a mechanism or process for ensuring that individual land use development proposals comply with the ALUC criteria.