

NEGATIVE DECLARATION

The Fresno County Airport Land Use Commission (ALUC) has reviewed the proposed project described below to determine whether it could have a significant effect on the environment. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Fresno County Airport Land Use Compatibility Plan (ALUCP)

PROJECT DESCRIPTION: The ALUCP provides policies for use by the Fresno County ALUC when evaluating the compatibility between proposals for land use development in the vicinity of the public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal, Selma, Sierra Sky Park, and William Robert Johnston Municipal). Additionally, this plan incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that apply within Fresno County. The local agencies that have jurisdiction over land uses within the areas covered by this plan include Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan is prepared in accordance with the requirements of the *California State Aeronautics Act*.

PROJECT LOCATION & ENVIRONMENTAL SETTING: The Draft Final Fresno County ALUCP applies to land within the Airport Influence Area (AIA) boundary for each airport:

- | | |
|---|------------------------|
| • Coalinga Municipal Airport (C80) | Appendix A, Exhibit A1 |
| • Firebaugh Airport (F34) | Appendix B, Exhibit B1 |
| • Fresno-Chandler Executive Airport (FCH) | Appendix C, Exhibit C1 |
| • Fresno Yosemite International Airport (FAT) | Appendix D, Exhibit D1 |
| • Harris Ranch Airport (308) | Appendix E, Exhibit E1 |
| • Reedley Municipal Airport (O32) | Appendix F, Exhibit F1 |
| • Selma Airport (0Q4) | Appendix G, Exhibit G1 |
| • Sierra Sky Park Airport (E79) | Appendix H, Exhibit H1 |
| • William Robert Johnston Municipal Airport (M90) | Appendix J, Exhibit J1 |
| • Naval Air Station Lemoore (NLC) | Appendix K, Exhibit K1 |

The AIA boundary was established using the outer boundary of the 14 CFR Part 77 Conical Surface for the following airports: Firebaugh Airport, Fresno-Chandler Executive Airport, Harris Ranch Airport, Reedley Municipal Airport, Selma Airport, Sierra Sky Park Airport, and William

Robert Johnston Municipal Airport. 14 CFR Part 77 defines a series of airspace boundaries around an airport to determine if there are obstructions to air navigation. The Conical Surface is the outer boundary of the 14 CFR Part 77 airspace boundaries and generally represents the traffic pattern for an airport.

For Coalinga Municipal Airport and Fresno Yosemite International Airport, the AIA includes the Conical Surface, Outer Approach Transitional Surface, and the Precision Approach Surface. The Outer Approach Transitional Surface and Precision Approach Surface are used at airports with runways with a Precision Instrument Approach. The AIA boundary for Naval Air Station Lemoore is based upon the outer boundary of the Imaginary Surfaces for Class B Fixed Wing Runways and noise exposure contours as described in the November 2010 AICUZ report prepared by the United States Navy.

APPLICANT CONTACT INFORMATION: Copies of the Negative Declaration, the Initial Study, and the Draft ALUCP may be obtained from the Fresno Council of Governments, 2035 Tulare Street, Suite 201, Fresno, CA 93722.

FINDINGS AND DETERMINATION: The Fresno County ALUC finds that, based on the completed Initial Study (attached), there is no substantial evidence the project described above will have a significant impact on the environment. Therefore, the following environmental determinations have been made:

- 1. Based on the whole record (including the Initial Study and any supporting documentation), the Fresno County ALUC has determined that there is no substantial evidence that the project will have a significant effect on the environment.**
- 2. The Negative Declaration, with its supporting documentation, reflects the independent judgment and analysis of the lead agency, which is the Fresno County ALUC.**

The basis for this determination is that there are no physical construction projects that would result from the adoption of the Fresno County ALUCP or from subsequent implementation of the land use restrictions and policies. In addition, the proposed ALUCP does not reduce or inhibit the development beyond what is depicted on the airport layout plans or diagrams or proposed in the current general plans for Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. Current zoning within Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma are also unaffected by the proposed ALUCP. If there are substantial changes that alter the character or impacts of the proposed project, another environmental impact determination will be necessary.

Circulated on: _____

Adopted on: _____

Attachments:

- A. Public Notice
- B. Initial Study
- C. Regional Location Map
- D. Comments Received and Response

PUBLIC REVIEW DISTRIBUTION

Copies or notice of this Negative Declaration were distributed to:

- CALTRANS
- City of Coalinga
- City of Firebaugh
- City of Fresno
- City of Mendota
- City of Reedley
- City of Selma
- Fresno County
- State of California Clearinghouse

PUBLIC REVIEW

- (X) Draft document referred for comments on July 13, 2018 (Notice of Public Hearing) and October 26, 2018 (Posted at the Fresno County Clerk's Office).
- () No comments were received during the public review period.
- (X) Comments were received but did not address the draft Negative Declaration findings or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- () Comments addressing the findings of the draft Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public review period. The letters and responses follow (see Response to Comments, attached).

Attachment A – Public Notice

FRESNO COUNCIL OF GOVERNMENTS
2035 TULARE ST, STE 201
FRESNO, CA 937212004
0003748828

The Fresno Bee
fresnobee.com

Central Valley
The Valley's Lifestyle Magazine

SIERRA STAR
Serving Eastern Madera Since 1957

Vida
en el valle

PROOF OF PUBLICATION

**COUNTY OF FRESNO
STATE OF CALIFORNIA**

The undersigned states:

McClatchy Newspapers in and on all dates herein stated was a corporation, and the owner and publisher of The Fresno Bee. The Fresno Bee is a daily newspaper of general circulation now published, and on all-the-dates herein stated was published in the City of Fresno, County of Fresno, and has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of November 28, 1994, Action No. 520058-9.

The undersigned is and on all dates herein mentioned was a citizen of the United States, over the age of twenty-one years, and is the principal clerk of the printer and publisher of said newspaper; and that the notice, a copy of which is hereto annexed, marked Exhibit A, hereby made a part hereof, was published in The Fresno Bee in each issue thereof (in type not smaller than nonpareil), on the following dates.

July 13, 2018

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated July 26, 2018

Miracle L. Thomas

Exhibit A

PUBLIC NOTICE

#3748828

****NOTICE OF PUBLIC HEARING****

NOTICE IS HEREBY GIVEN that the Fresno County Airport Land Use Commission is scheduled to consider the approval of the Fresno County Airport Land Use Compatibility Plan (ALUCP) update and the adoption of the Initial Study/Negative Declaration.

NOTICE IS HEREBY FURTHER GIVEN that the Fresno County Airport Land Use Commission (ALUC) will hold a public hearing on these items during the regularly scheduled ALUC meeting on **August 6, 2018 at 2:00 p.m.** at the Fresno Council of Governments office building, 2035 Tulare Street, Suite 201, Fresno, CA 93721, at which time and place interested persons may appear and be heard. Public comments are welcomed at the hearing or may be submitted in writing by 5:00 P.M. on August 6, 2018 to Brenda Veenendaal Administrative Services Manager, (559) 233-4148 / brendav@fresnocog.org, 2035 Tulare Street, Suite 201, Fresno, CA 93721.

PROJECT DESCRIPTION: The ALUCP provides policies for use by the Fresno County Airport Land Use Commission when evaluating compatibility between proposals for land use development in the vicinity of public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal, Selma, Sierra Sky Park, and William Robert Johnston Municipal). Additionally, this plan incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that apply within Fresno County. The local agencies that have jurisdiction over land uses within the areas covered by this plan include Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan is prepared in accordance with the requirements of the California State Aeronautics Act.

Individuals with disabilities may call Fresno COG (with 3-working-day advance notice) to request auxiliary aids necessary to participate in the public hearing. Translation services are also available (with 3-working-day advanced notice) to participants speaking any language, by available professional translation services.

A 30-day public review and comment period on the Fresno County Airport Land Use Compatibility Plan will commence on July 13, 2018 and conclude on August 13, 2018. Documents related to these items are available for review during regular office hours at the Fresno Council of Governments Office located at 2035 Tulare Street, Suite 201, in downtown Fresno. The documents may also be downloaded directly at <http://fresnocounty.airportstudy.com/>.

After considering the comments, the documents will be considered for adoption, by resolution, by the ALUC at a meeting to be held September 10, 2018 or as near as possible thereafter.

RECEIVED

AUG 06 2018

BY: _____
FRESNO COG

October 26, 2018

PUBLIC NOTICE

INTENT TO ADOPT AN INITIAL STUDY AND NEGATIVE DECLARATION

Fresno Council of Governments has completed and independently reviewed an Initial Study and has prepared an Initial Study/Negative Declaration for the update to the Airport Land Use Compatibility Plan (ALUCP) Update for the Fresno County Airport Land Use Compatibility Plan (ALUCP) update.

Project Title: Fresno County Airport Land Use Compatibility Plan (ALUCP)

Project Sponsor: Fresno Council of Governments (Fresno COG)

Project Description: The ALUCP provides policies for use by the Fresno County ALUC when evaluating the compatibility between proposals for land use development in the vicinity of the public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal, Selma, Sierra Sky Park, and William Robert Johnston Municipal). Additionally, this plan incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that apply within Fresno County. The local agencies that have jurisdiction over land uses within the areas covered by this plan include Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan is prepared in accordance with the requirements of the *California State Aeronautics Act*.

Project Location and Environmental Setting: The Draft Final Fresno County ALUCP applies to land within the Airport Influence Area (AIA) boundary for each airport. The AIA boundary was established using the outer boundary of the 14 CFR Part 77 Conical Surface for the following airports: Firebaugh Airport, Fresno-Chandler Executive Airport, Harris Ranch Airport, Reedley Municipal Airport, Selma Airport, Sierra Sky Park Airport, and William Robert Johnston Municipal Airport. 14 CFR Part 77 defines a series of airspace boundaries around an airport to determine if there are obstructions to air navigation. The Conical Surface is the outer boundary of the 14 CFR Part 77 airspace boundaries and generally represents the traffic pattern for an airport.

For Coalinga Municipal Airport and Fresno Yosemite International Airport, the AIA includes the Conical Surface, Outer Approach Transitional Surface, and the Precision Approach Surface. The Outer Approach Transitional Surface and Precision Approach Surface are used at airports with runways with a Precision Instrument Approach. The AIA boundary for Naval Air Station Lemoore is based upon the outer boundary of the Imaginary Surfaces for Class B Fixed Wing Runways and noise exposure contours as described in the November 2010 AICUZ report prepared by the United States Navy.

Significant Environmental Impacts: There is no substantial evidence that the project will have a significant effect on the environment.

Public Comment Period: All interested persons are invited to comment on the Negative Declaration pursuant to the provisions of CEQA. The comment period is 30 days starting on October 26, 2018 and ending on November 26, 2018. Comments must be received by the end of business on November 26, 2018 and must be submitted to Fresno COG at the address noted below.

Lead Agency/Contact Person:

Brenda Veenendaal
Administrative Services Manager
Fresno Council of Governments
2035 Tulare Street, Suite 201
Fresno, CA 93722.

Phone: 559-233-4148, ext. 219

Email: brendav@fresnocog.org

Comments may be delivered to Fresno COG by mail or email.

The project file is available for review during regular office hours at the Fresno COG located at the address above. The document may also be reviewed and downloaded directly at <http://fresnocounty.airportstudy.com/>.

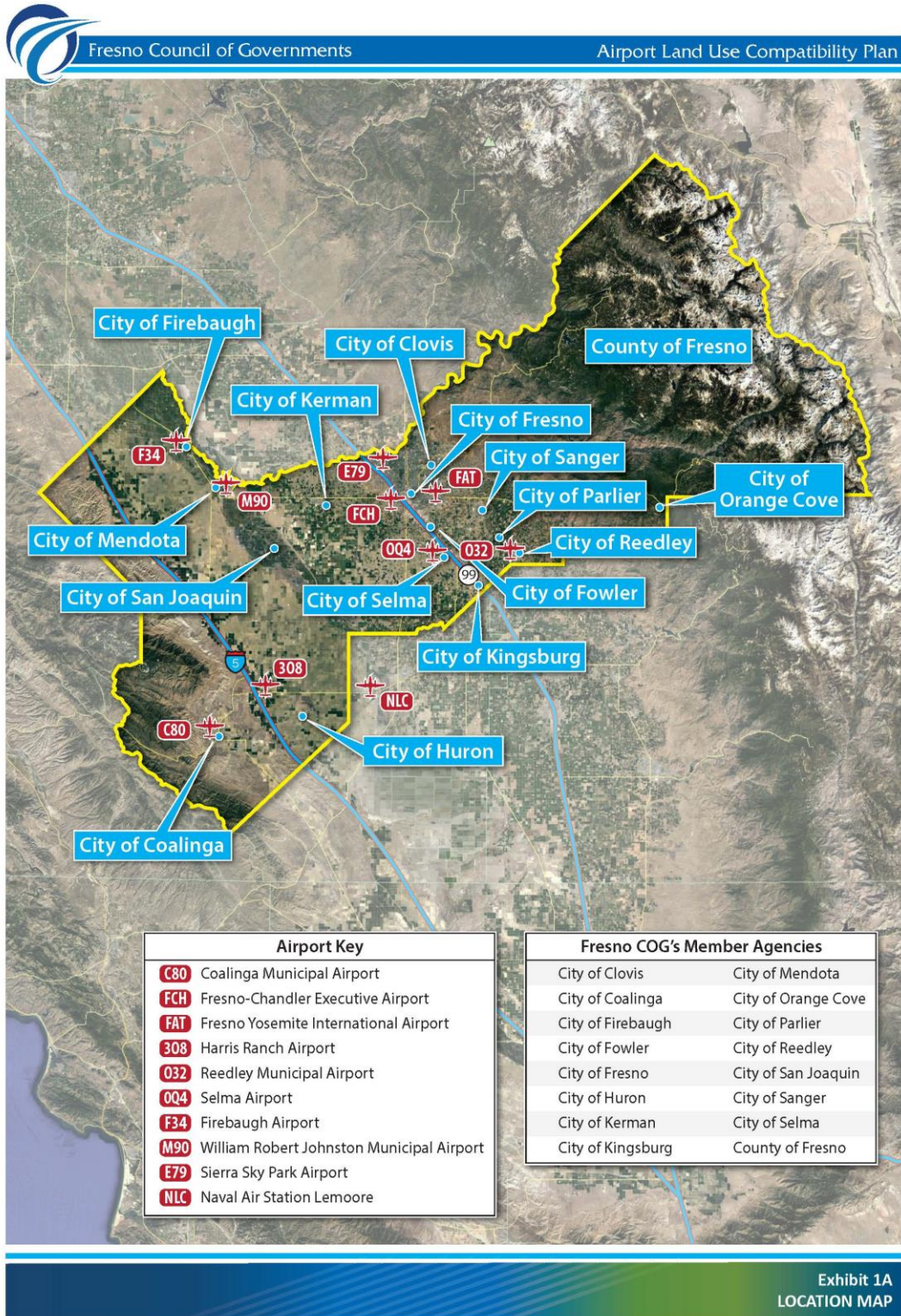
Public Hearings: This is not a notice of public hearing. Future public hearings regarding this project will duly noticed as required by law. Any member of the public wishing to appear at the public hearing for the adoption of the Initial Study/Negative Declaration may so appear at the Airport Land Use Commission meeting at the Fresno COG on December 3, 2018 at 2:00 p.m.

Attachment C –Initial Study

A PDF of the Initial Study May Be Downloaded from the Project Website:

<http://fresnocounty.airportstudy.com/project-documents/>

Attachment C



Attachment D – Comments Received and Response

Response to Comments Received on the Final Draft Fresno County Airport Land Use Compatibility Plan Update

City of Fresno – Development and Resource Development Department

1. Page 1-1 lists the Fresno County airport compatibility plans that would be replaced by the new Fresno County Airport Land Use Compatibility (ALUCP). My understanding is that these are county plans. The City of Fresno has its own adopted versions of the Fresno Chandler Downtown Airport Land Use Policy Plan, the Fresno Yosemite International Airport Compatibility Plan, and the Sierra Sky Park Land Use Policy Plan. Would these need to be repealed as well?

Response: The City of Fresno's Airport Land Use Policy Plans should be considered internal documents for your own reference as they do not replace the Fresno County Airport Land Use Compatibility Plan (ALUCP) adopted by the Fresno County Airport Land Use Commission (ALUC). The City of Fresno's plans were not adopted by the ALUC and are not recognized as valid documents by the ALUC or Caltrans. The ALUCP encompasses all public use airports within the Fresno County region, including all those in the City of Fresno.

2. In order to attain consistency with the new ALUCP, can the city simply update its requirements in the zoning code that where they exist, airport plans shall govern (the code says that they supersede the general plan and other specific plans)? Or will consistency need to be attained by a more explicit mechanism such as overlay districts?

Response: The method for demonstrating consistency with the ALUCP is determined by the local agencies. However, in the 2011 California Airport Land Use Planning Handbook (Handbook), Section 5.2.3, Means of Achieving Consistency outlines several strategies for achieving consistency with the Fresno County Airport Land Use Compatibility Plan, states that local plans and/or policies must:

- Delineate the compatibility criteria to be applied to individual development actions;
- Identify the mechanisms to be used to ensure that applicable compatibility criteria are incorporated into site-specific development projects; and
- Indicate the procedures to be followed in review and approval of development actions affecting lands within the airport influence area, recognizing that certain types of land uses are not subject to discretionary approvals (but can be subject to appropriate ministerial development standards).

This section, attached for your reference, includes a discussion on the use of combining districts or overlay zoning, includes Table 5A: General Plan Consistency Checklist, and gives optional Land Use Compatibility Strategies. Additional information regarding this topic may be found on page 5-3 of the Handbook.

3. Page 2-5, Section 2.5.1 and Page 2-12, Section 2.8.1 state, “Once a land use plan has been found consistent with this ALUCP, future land use projects within the plan area must be

reviewed for consistency if, at the time of original review, the plan consisted of only generalized land use designations without project details (e.g., site layout, density/intensity, building heights). When the City of Fresno submits general plan amendments or new specific plans to the ALUC for review, zoning is also included, which contains height limits and density, but not site layout. So would new projects that are proposed within plans that have already been determined consistent with the ALUCP by the ALUC have to return to the ALUC for a consistency finding at the entitlement stage? We would hope there is a way to streamline the review process so that once a specific plan (and corresponding zoning) is approved by the ALUC, specific projects not require further review by the ALUC.

Response: The level of detail associated with City of Fresno submittals for General Plan amendments and specific plans described above (height limits and density) should be sufficient, in most cases, to demonstrate consistency. Site layout may need to be evaluated if the subject project is on a parcel that lies within multiple safety zones. A scenario could occur in which development would need to be positioned on a parcel so that development is located outside of a safety zone with more stringent safety criteria. It may be mutually beneficial for the City of Fresno to provide an example of a proposed General Plan amendment to the Fresno County ALUC staff for review to ensure that the necessary information is included to demonstrate consistency.

4. Page 2-6, Section 2.6.1 states that after ALUC adoption of the ALUCP, but prior to local agency consistency findings, local agencies must submit plans, regulations and projects for review by the ALUC. During this period, I would request that the ALUC meet monthly instead of bi-monthly to be able to accommodate project review timelines of local jurisdictions.

Response: The Fresno County ALUC will be advised of your request.

5. Page 2-19, Section 2.10.27 defines Land Use Intensity and this metric is used throughout the consistency section to measure non-residential land use intensity. It is very difficult to calculate persons per acre without a formula for doing so based on different types of land uses. For example, the persons per acre for a warehouse use will be very different from a restaurant. Is there a standard formula available to calculate this?

Response: Please refer to ALUCP Appendix L, pages L-6 through L-8, for guidance on calculating land use intensity.

6. Pages 3-4 – 3-6, Table 3A: Safety Criteria Matrix contains the criteria for land use compatibility for safety zones. In zones 2, 3, and 4 the residential density has been reduced from existing plans, and in zones 3,4, and 6 intensity limits have been added. In addition, there is a new requirement for open land. The prohibited uses have been expanded to include more uses, and height limits have been added in some cases. This, in combination with the expanded Airport Influence Areas for Chandler and FYI Airports, means that much more land will be impacted by stringent requirements. Please confirm that these types of limits are called out by the California Handbook and are in use by other similar jurisdictions in California.

Response: The residential densities and open land requirements outlined in Table 3A: Safety Criteria Matrix was developed using the guidance found on Figures 4B through 4G in the

California Airport Land Use Planning Handbook (2011). Expanded language found in the Handbook on page 4-18 explains that the recommended intensities for each zone are minimum standards that are not intended to take precedence over specific criteria in currently adopted ALUCPs.

The open land requirements do not apply to parcels less than 10 acres. As noted in footnote 3 of Table 3A, the open land requirements are intended to be applied with respect to an entire zone rather than a parcel by parcel basis. This is typically accomplished as part of a community planning process in a general plan or a specific plan, but may also apply to large (10 acres or more) development projects.

As described in the Handbook, the generic safety zones are provided as a starting place for delineating safety zones for a given airport. It should be noted that the outermost zone in the generic safety zone examples is referred to as Zone 6 or the traffic pattern zone; however, the Handbook does not provide specific direction that this zone should also be used as the AIA. As outlined in the Handbook, the AIA is “the area in which current and projected future airport-related noise, safety, airspace protection, or overflight factors/layers may significantly affect land use or necessitate restrictions on uses by an airport land use commission.” (See page 3-10). For all airports in the Fresno County ALUCP, the largest geographic area associated with a compatibility factor (noise, safety, or airspace) is airspace. This area is defined by the Part 77 airspace surfaces.

In addition to limiting the number of people who would be exposed to the risk of an aircraft accident on the ground, the other major safety concern is related to land uses that can create hazards to flight. Airspace protection, in the form of FAA’s Part 77 requirements, primarily involves limitations on the height of objects on the ground near airports. As described on FAA’s Airport Airspace Analysis website, the Part 77 surfaces are used by FAA to administer the airspace in the public interest as necessary to ensure the safety of aircraft and its efficient use.

14 CFR Part 77 defines a series of airspace boundaries around an airport to determine if there are obstructions to air navigation. The Conical Surface is the outer boundary of the 14 CFR Part 77 airspace boundaries and generally represents the traffic pattern for an airport. For airports with an existing or planned Precision Instrument Approach, the Part 77 airspace surfaces are extended to include an Outer Approach Transitional Surface and Precision Approach Surface.

Given that the Part 77 surfaces are presently used for airspace review at all airports in the county, Fresno County ALUC chose to align the AIA with the outermost boundary of the Part 77 for considering the compatibility of projects near airports. Use of the Part 77 surface as the AIA does not give the ALUC authority over airspace cases; that responsibility rests with FAA. Additionally, airports will continue to provide input on airspace cases through the 7460 process. The AIA, as currently proposed, will allow the ALUCP to supplement existing FAA airspace review processes to ensure that all projects within the Part 77 boundaries are reviewed. This is of particular importance when projects are proposed in areas that are located in areas outside of the airport sponsor’s jurisdiction or sphere of influence.

The AIAs as presented in the Draft ALUCP are based on the outer boundary of the 14 CFR Part 77 Conical Surface for the following airports: Firebaugh Airport, Fresno-Chandler Executive Airport, Harris Ranch Airport, Reedley Municipal Airport, Selma Airport, Sierra Sky Park Airport, and William Robert Johnston Municipal Airport. This area is also referred to as Zone 6 in the plan. As outlined in Table 3A, ALUCP policies for Zone 6 include a maximum intensity of 300 people per acre. In Zone 6, there is no limit, for the purposes of the ALUCP, on the number of dwelling units per acre. Prohibited uses include hazards to flight and outdoor stadiums and other high intensity uses. Development conditions, as listed in Table 3A, include airport disclosure notices, FAA airspace review for objects greater than 100 feet tall, prohibition of new structures on existing terrain that penetrates the 14 CFR Part 77 surfaces, and airspace analysis for new structures within the 50-foot terrain penetration buffer (See Section 3.4.2 on page 3-16).

For Coalinga Municipal Airport and Fresno Yosemite International Airport, the AIA includes the Conical Surface (Zone 6), Outer Approach Transitional Surface, and the Precision Approach Surface (Zone 7). The outermost boundary for these airports is a combination of Zone 6 and Zone 7. Zone 7 has no restrictions on density (dwelling units per acre) or intensity. Additionally, there are no prohibited uses in this zone for the purposes of the ALUCP. Development conditions, as listed in Table 3A, include FAA airspace review for objects greater than 100 feet tall, prohibition of new structures on existing terrain that penetrates the 14 CFR Part 77 surfaces, and airspace analysis for new structures within the 50-foot terrain penetration buffer (See Section 3.4.2 on page 3-16).

FAA – Airport Airspace Analysis: https://www.faa.gov/airports/engineering/airspace_analysis/

7. Page 3-8, Section 3.2.3 – Infill Development sets out criteria for excepting some infill parcels from ALUC review if done comprehensively as part of the consistency process. We will need more information about how to define an infill parcel per the parameters discussed in this section.

Response: If a local agency decides to identify qualifying locations under Section 3.2.3, criteria (a)(1), (a)(2), and (a)(3) should be used to first screen potential parcels for infill development. Once it is determined which parcels are potentially eligible, the local agency should then provide a listing of the parcels identified for infill development to Fresno County ALUC.

8. Page 3-10, Section 3.2.6, Mixed Use Projects, requires converting residential density that is part of a mixed-use project to intensity and limiting the total number of residential occupants. The zoning code does not control the number of occupants living in a dwelling unit so this will be difficult to enforce or calculate capacity.

Response: When calculating capacity, Fresno County ALUC recommends using people per household figures for the community available from the U.S. Census Bureau . This guidance will also be added to Section 3.2.6.

9. Table 3B, Noise Compatibility Criteria Matrix, limits residential noise compatibility to 64 CNEL, while the City’s general plan and zoning code conditionally allows residential noise from 65-70 CNEL.

Response: As outlined in Section 1.5.1, adoption of the ALUCP begins a statutory 180-day period within which affected local agencies must modify their general plans and applicable specific plans to demonstrate consistency. See response to Comment 2.

10. Airport Maps in the Appendices:

a. AIA: We note that the AIA for Chandler and FYI airports has expanded substantially and this will require more plans and projects to be reviewed at the ALUC.

Response: See response to Comment 6. It should be reiterated that the additional requirements to which the areas under the expanded AIA would be subject to are the 300 persons per acre limit and the 10 percent open space requirement within Zone 6. These areas do not have a limit on the number of dwelling units per acre and FAA airspace review is currently required in these areas. Additionally, please note that upon adoption of the ALUCP and where local agencies have amended their general and specific plans to be consistent with the ALUCP, only the following types of actions proposed within the airport influence area must be submitted to ALUC for determination of consistency prior to approval by the local jurisdiction:

- *Adoption of a general plan, specific plan, or any amendments*
- *Airport and heliport plans, including master plans, expansion plans, and plans for the construction of a new facility*

b. Exhibit 5/Existing Land Use Parcels: In all 3 Fresno airports, the land use categorization doesn't seem to match our existing land use layer. For example, our existing land use layer categories the airport properties as public facilities, whereas the airport plans show these as industrial.

Response: The information used in these exhibits was downloaded from City of Fresno Department of Public Works Developer Doorway on April 3, 2018 based on comments received from the City of Fresno during the preparation of the Draft ALUCP. In some cases, land uses were generalized and, therefore, may not reflect maps produced by the City of Fresno.

c. Exhibit D6 and D7 for FYI: These should match since the City's general plan and zoning have been made consistent.

Response: See response to item 10b above.

d. Some of the differences noted above may be due to county islands or land in the sphere of influence (SOI) and the use of county land use and zoning. We might want to discuss the best way to show these areas, because if land is to be annexed, it will need to be consistent with the city's general plan (and corresponding zoning). There could be some jurisdictional issues to clarify here.

Response: See response to Comment 2 and item e below.

e. Maps C-1 – C-8 show an incorrect municipal boundary to the south of the airport. This could also be true for other airports. The City’s boundary is constantly changing, so the maps in the plan may need to be updated again.

Response: As noted on the exhibits, the information was collected in 2016 at the onset of this study. The maps are provided for informational purposes and will likely only be updated during major revisions to the Fresno County Airport Land Use Compatibility Plan.

11. **General request:** I understood from the public hearing on the ALUCP last Monday, August 6, that a special meeting in September to review comments was cancelled, and that the plan was to be adopted in October, at the next meeting of the ALUC. In addition, it was mentioned that the planning process is two months ahead of schedule. I also noted an absence of other affected jurisdictions at this public hearing. This plan is complex and has many ramifications for our planning process. I would request that plan adoption be delayed for 30-60 days and that one or a series of workshops be provided for local jurisdictions with staff and consultant so that all of our questions can be answered prior to adoption of the new ALUCP. In addition, it would be helpful to know the specifics of the process and type of analysis that will be required to present to the Airport Land Use Commission to obtain a consistency finding.

Response: Thank you for your comment. Your comment will be shared with the ALUC for consideration. In review, the special meeting originally discussed and tentatively scheduled for September was for adoption of the ALUCP. However, to provide additional time to process and respond to comments, the adoption has been postponed.

This is a brief timeline of scheduled ALUCP document review:

- *Airport operators and staff have received ongoing communications from ALUC staff and/or the Consultant beginning with the scheduling of an August 24, 2016 Airport Land Use Plan Updates Meeting with Caltrans Aeronautics. They were invited to sit on the Project Development Team, receiving regular updates and notifications.*
- *Each airport also communicated with staff and the consultant, while providing information for document appendices.*
- *An Administrative Draft of the ALUCP was released to the PDT members for review and comment on December 5, 2017. A conference call to discuss the Administrative Draft of the PDT was hosted by staff and the consultant on December 13, 2017, with comments received through December 22, 2017.*
- *The Public Draft ALUCP was released for review to the airport operators, staff, and the public on January 10, 2018 and comments were received through February 10, 2018.*
- *A PDT meeting and a public workshop open house were held during the Public Draft review period on January 24, 2018 to discuss the ALUCP process, plan overview, and policies. Many airport operators reviewed the document and provided comments, including City of Fresno staff. Those comments were addressed and the document updated.*
- *The Public Review and comment period for the Final Draft ALUCP's Initial Study/Negative Declaration was held from July 13 - August 13, 2018, at which time a public notice was published and all of the airport operators were notified via multiple emails.*

- A project website was established in mid-2017 and continues to hold the project documents available for review. The Public Draft document was loaded to the site on January 10, 2017 and all updates to that draft have been available on the site since that time.
- Notifications of the ALUCP were also placed on ALUC, Fresno COG Transportation Technical Committee, Policy Advisory Committee, and Policy Board agendas.

At this time, ALUCP adoption is scheduled for October 1, 2018. ALUC staff would welcome invitations to meet with City of Fresno staff or other local jurisdictions to discuss ALUCP plan requirements.

City of Fresno – Airports Department (Jared Garza)

12. The 2011 Caltrans Airport Land Use Plan Handbook (Handbook) defines the Caltrans safety Zones as Zone 1 through Zone 6. What safety criteria is used for the creation of an undefined Zone 7?

Response: See response to Comment 6.

13. The layout of the Caltrans Safety Zones is defined in the Handbook and lays out the dimensions for a traffic pattern zone, which is different in shape and size than the conical surface. What safety criteria is used to determine that the Conical Surface is the new definition of the Traffic Pattern Zone for this ALUCP?

Response: See response to Comment 6.

14. What safety criteria is taken into account to use the Conical Surface as well as the Outer Approach Transitional Surface, and the Precision Approach Surface as part of the AIA?

Response: See response to Comment 6.

15. The majority of flights from FAT are Large Air Carrier “Commercial” flights. What safety criteria is used to determine that for FAT the Caltrans safety zones were based on a Large General Aviation Runway as opposed to a Large Air Carrier Runway?

Response: As noted on page D-2, the Large Carrier Runway classification was used as a starting point for the safety zones at FAT. On page D-1 and on Exhibit D1, the references to “Figure 3A” will be changed to “Figure 3B.”

16. Pg C-1, paragraph 3, states that a “short general aviation runway” example was used to draw FCH’s safety Zones. When actually a “medium general aviation runway” example was used.

Response: Text noted above will be changed to state that the Medium General Aviation Runway example was used.

17. In table 3A; Zones 1, 2, &3 the prohibited column states “natural gas & petroleum pipe lines”. What safety criteria is used to determine this to be prohibited?

Response: As stated in the introduction of the Handbook, the document provides guidance for meeting the baseline safety and compatibility requirements; however, ALUCs may choose to be more restrictive than the State’s guidance when their local conditions warrant doing so. During preparation of the Fresno County ALUCP, ALUCPs for other counties were reviewed and it was decided that a more comprehensive list of land uses, similar to what is used in other jurisdictions, should be used to provide more specific guidance to the Fresno ALUC. Additionally, the Fresno County ALUC has elected to include Section 2.6.6, Findings as to Similar Uses, which acknowledges that cases may arise where a proposed development project involves a land use that is not explicitly provided for by the land use criteria. This policy will allow the Fresno County ALUC to use conventional rules of reason to determine whether the subject land use is substantially similar to any land use specified in the plan criteria. For additional clarification, a footnote for natural gas and petroleum pipe lines will be added to indicate that these uses are prohibited from the surface to a depth of 36 inches.

18. In Table 3A, Zones 2, 3, and 4, the prohibited column states “Hazardous uses (e.g., above ground bulk fuel storage or gas station)” the Caltrans handbook doesn’t state gas stations as being hazardous or prohibited, and only prohibits aboveground "bulk" fuel storage. “Aboveground fuel storage” is clarified on page 3-9 of the ALUCP to “include aboveground storage tanks with capacities greater than 10,000 gallons of any substance containing at least five percent petroleum per State of California,”. With gas stations not being the aforementioned, why would they be considered a hazard?

Response: On page 4-30 of the Handbook, gas stations are identified as “Other High-Risk Uses.” The Handbook explains that the consequences of an aircraft accident at these locations may extend beyond the immediate location of the accident. The Handbook states that, “manufacturing, storage, or use of hazardous materials may warrant special consideration depending upon the specific materials and quantities. The concern is whether an aircraft accident could cause an explosion...thus posing dangers to the nearby population. Uses that involve the storage of hazardous materials (e.g., gas stations) should be avoided in locations where aircraft may be operating at low altitudes, or where data has shown the risk of accidents to be greater. Specifically, locations where the manufacturing or bulk storage of hazardous materials should be avoided include safety zones one through five.” A discussion of “Other High Risk Uses” has been added to Section 3.2.4. Also, see Response to Comment 17.

19. In Table 3A, Zones 2 and 3, the prohibited column states, “adult schools, colleges, universities”; the Caltrans Handbook states specifically "Children’s schools, large daycare centers, hospitals, nursing homes" are prohibited. What safety factors contribute to this being added to the prohibited column?

Response: See response to Comment 17. As outlined in the Handbook, the California Department of Transportation must investigate and make recommendations regarding acquisition of property for school and community college sites near airports. Specifically, before a district can acquire property for a school or community college site that would be within two miles of an airport runway or potential runway included in an airport master plan, the Department must investigate and submit a report of its findings regarding that acquisition. The primary factors considered in the analysis of a site by the Department's Division of Aeronautics are aircraft accident exposure and aircraft noise. Given the similarity of use intensities between community colleges and other adult schools, colleges, and universities, the Fresno County ALUC elected to include the latter grouping to better manage risk exposure.

20. In Table 3A under the "other development conditions," it's stated that airspace review required as well as additional airspace analysis review required. Who will be doing the reviews?

Response: FAA will conduct the airspace analysis through the Obstruction Evaluation/Airport Airspace Analysis process using Form 7460-1, Notice of Proposed Construction or Alteration. Please refer to footnote 9 of Table 3A.

21. In Table 3B, the 65-69 Column has a Not Compatible "N" designation for; Group Quarters, Education Facilities, Religious Facilities, Hospitals, Government Services, as well as Hotels. The City of Fresno Airports Department designates these as Conditionally Compatible "C(1,2)".

Response: See response to Comment 2.

22. In Table 3B, the 65-69 Column has a Not Compatible "N" designation for Outdoor Sports as well as Nature Exhibits. The City of Fresno Airports Department designates these as Conditionally Compatible "C(1)".

Response: See response to Comment 2.

23. In Table 3B, the 70-74 Column has a Compatible "Y" designation for Cemeteries and a Not Compatible "N" designation for Outdoor sports events. The City of Fresno Airports Department designates these as Conditionally Compatible "C(1)".

Response: See response to Comment 2.

24. In Table 3B (Continued), the Industrial section has been deemed to be all Compatible "Y". The City of Fresno Airports Department designates the Industrial use as Compatible "Y" in the 60-64 and 65-69 columns, but the Conditionally Compatible "C(1)" designation for the 70-74 and 75+ column.

Response: See response to Comment 2.

25. In Section 3.4.2 ALUC Review of Height of Proposed Objects. What safety criteria is used to determine what the ALUC is able to review?

Response: See response to Comment 6.

Tim Cone, Sierra Sky Park

26. [Regarding Appendix H], The traffic patterns are reversed. We use Left Traffic for Runway 30 and Right Traffic for runway 12. This keeps air traffic on the South and West side of the airport.

Response: Text under "Flight Tracks" on page H-3 has been revised to state that Runway 12 has a right-hand traffic pattern and Runway 30 has a left-hand traffic pattern, and the resulting traffic pattern activity occurs to the south and west of the airport.

27. We do have displaced thresholds. The AFD lists them as 90 feet but that is incorrect...I'll see if I can get the updated information regarding displaced thresholds.

Response: Displaced threshold information on Table H2 has been updated.

City of Fresno – Airports Department (Kevin Meikle)

28. Both FAT and FCH have recently adopted ALUCPs, based on the most current version (October 2011) of the California Airport Land Use Planning Handbook (Handbook), which is the same version used for the Fresno County's ALUCP.

Response: The Fresno ALUC has chosen to consolidate the ALUCPs for all public use airports in Fresno County into one document. In addition to convenience afforded by this approach, it also ensures that all the plans are developed based on the same Handbook and that airport land use compatibility planning policies are applied uniformly throughout the county. Also see response to Comment 1.

29. For additional context, Section i-2.1 Scope of the Handbook Update states "It is not the intent of the preparers of this edition to fully replicate the extensive research that was performed in support of the previous Handbook editions. The intent was to analyze and determine if the data and conclusions that were reached in the 2002 Handbook are still valid today. As discussed in Appendix E, recent accident data does not support changes to the safety zones (presented in Chapter 3). Similarly, while tools for estimating and monitoring aircraft noise continue to improve, the basic compatibility standards for aircraft noise have not changed at the federal or state level."

Response: Comment noted.

30. The scope and breadth of the Draft ALUCP extends substantially beyond what is contemplated in the Handbook and that of FAT's and FCH's currently adopted plans, which are based on the same Handbook.

Response: See response to Comment 6.

31. Airports understand and support the fact that it is “the sole responsibility of ALUC to prevent incompatible land use development and thereby both protect the public from noise and risks and preserve the utility of airports. In carrying out this responsibility, ALUCs should be guided by objective analyses of airport land use compatibility concerns. This focus notwithstanding, ALUCs also need to be practical in their sections. Although ALUCs should not be driven by political, economic, or other non-compatibility-related factors, they should at least be cognizant of them. They should be aware of the effects that their plans and compatibility determinations will have on local land use jurisdictions and the possible reactions which these jurisdictions may have to these matters. The bottom line is that the most desirable outcome of the compatibility planning process is for local agencies and the public to support and take the necessary measures to implement the compatibility policies adopted by the ALUCs. If ALUCs can maintain the integrity of the compatibility planning objectives set forth in the State Aeronautics Act while still accommodating local needs, then they should give careful consideration to any such alternatives.” See Section 3.6.2 Practical Considerations.

Response: Comment noted.

32. Because elements of Draft ALUCP goes far beyond the recommended guidance in the Handbook and currently adopted FAT and FCH ALUCPs (which are based on the same Handbook), Airports do not believe that the Draft ALUCP is practical or represents an objective analysis of airport land use compatibility concerns (Section 3.6.2 Practical Considerations).

Response: It is important to note that the Handbook also states that, “ALUCs may choose to be more restrictive than the State’s guidance when their local conditions warrant doing so. With respect to how land is used and regulated by local governments, the Division does not have the authority to adopt land use development standards. Conversely, ALUCs are statutorily permitted (i.e., they have the option and authority) to include building standards, height restrictions and land uses in their Airport Land Use Compatibility Plans (PUC Section 21675[a]).”

33. The guidance provided in the Handbook provides an appropriate balance between the need to protect the public from noise and risks and preserve the utility of airports without unreasonably imposing land use burdens to the community. The Draft ALUCP goes far beyond the Handbook guidance and does not provide that balance. Therefore, Airports is not in a position to support the Draft ALUCP at this point in time.

Response: See response to Comments 6 and 32.

34. Has a CEQA analysis been initiated and if so is it available for public review and comment? The environmental impacts of an ALUCP arise from its potential to result in displaced development as a result of the potential imposition of more limiting development criteria (Section 3.7.2 California Environmental Quality Act).

Response: The Draft ALUCP and Initial Study/Negative Declaration were released for 30-day public review and comment on Friday, July 13, 2018. The Fresno County ALUC held a public

hearing on the ALUCP update and the Initial Study/Negative Declaration during its regularly scheduled meeting at 2 p.m. on August 6, 2018.

35. The following are examples found in the Draft ALUCP that are a departure from what the Handbook contemplates, either nonexistent, or overreaching. There may also be other instances.

Response: See response to Comment 6.

a. The Handbook defines the Caltrans Safety Zones as Zone 1 through Zone 6. However, the Draft ALUCP incorporates a Zone 7. What safety criteria are used for the creation of an undefined Zone 7?

Response: See response to Comment 6.

b. The layout of the Caltrans Safety Zones are defined in the Handbook. The Handbook lays out the dimensions for a traffic pattern zone, which is different in shape and size than the conical surface. What safety criteria are used to determine that the Conical Surface is the new definition of the Traffic Pattern Zone for this ALUCP?

Response: See response to Comment 6.

c. What safety criteria are taken into account to use the Conical Surface, the Outer Approach Transitional Surface, and the Precision Approach Surface as part of the AIA/
Response: See response to Comment 6.

d. For FAT, clarify use of Large General Aviation Runway as opposed to Large Air Carrier Runway. Refer to (Handbook Table 3A).

Response: See response to Comment 15.

e. Pg. C-1, paragraph 3, states that a “short general aviation runway” example was used to draw FCH’s Safety Zones, when actually a “medium general aviation runway” example was used.

Response: See response to Comment 16.

f. In Table 3A, Zones 1, 2, & 3, the Prohibited column states “natural gas & petroleum pipe lines.” What safety criteria are used to determine this to be prohibited or reviewable by the ALUC?

Response: See response to Comment 17.

g. In Table 3A, Zones 2, 3, & 4, the Prohibited column states “adult schools, colleges, universities.” The Handbook states specifically “Children’s schools, large daycare

centers, hospitals, nursing homes” are prohibited. What safety factors contribute to this being added to the prohibited column?

Response: See response to Comment 19.

i. In Table 3A under the “Other Development Conditions” it’s stated that airspace review [is] required as well as additional airspace analysis review required. What is the purpose of “additional airspace analysis,” what is the basis for the additional level of evaluation and while will be doing the reviews?

Response: See response to Comment 20.

j. Noise: In Table 3B, the 65-69 column has a Not Compatible “N” designation for Group Quarters, Education Facilities, Religious Facilities, Hospitals, Government Services, and Hotels. The Handbook does not prohibit these uses. Rather, it references the ability to attenuate noise o an interior level of 45 dB for only “habitable spaces” as defined in the California Building Code (e.g., hotels, motels, dormitories, apartments). See Section 4.6.2.

Response: See response to Comment 2.

k. Noise: In Table 3B, the 65-69 column has Not Compatible “N” designation for Outdoor Sports as well as Nature Exhibits. What is the basis for this? Historically, ALUCPs have addressed these uses as Conditional with mitigation in the form of Aviation Easements.

Response: See response to Comment 2.

l. Noise: In Table 3B, the 70-74 column has a Compatible “Y” designation for Cemeteries and a Not Compatible “N” designation for Outdoor sports events. What is the basis for this? Historically, ALUCPs have addressed these uses as Conditional with mitigation in the form of Aviation Easements.

Response: See response to Comment 2.

m. Noise. In Table 3B (Continued), the industrial section has been deemed to be all Compatible “Y.” Previous ALUCPs have designated industrial uses as Conditionally Compatible in the 70-74 and 75+ columns.

Response: See response to Comment 2.

n. In Section 3.4.2 of the Draft ALUCP (Review of Height of Proposed Objects), what safety criteria are used to determine what the ALUC is able to review? The FAA Part 77 review process provides the appropriate level of safety with regard to the height of objects regardless of Safety Zones.

Response: See response to Comment 6.

Grace Gomes

36. Thank you for the work you do to ensure the safety of residents and pilots as it pertains to airports in Fresno County.

In this regard, my public comment is to express extreme concern regarding recent new commercial development on the Southwest corner of Brawley and Herndon, adjacent to the Sierra Sky Park and directly in the path of approaching aircraft.

Having lived in this area for over 20 years, driven my car down Herndon Ave and frequently walking my dogs in the area, I have been witness to and in the path of more than one precarious approach to the runway from the south. To my amazement there is a commercial building going right up on the corner and directly in the path of approaching aircraft. Sometimes you wonder whose minding these developments. It has a high pointed roof and is clearly commercial, meaning there will also be parking and people milling about.

The ALUCP plan (Appendix H4) nicely shows the “protected” approach area, however personal experience has shown that aircraft approach quite low from the south and not always within that zone. The development is precarious close to this zone and the commercial building is inviting a collision, which I would dread to see. Especially when common sense didn’t prevail in granting this development.

To ensure the safety of residents and pilots, please have the city of Fresno revisit this development permit as it has high potential to interfere with runway approaches to Sierra Sky Park.

P.S. – There is commercial development directly to the east of the Sky Park of which I am not as concerned. Aircraft have usually been grounded shortly after they clear the fence on Herndon and they don’t approach from the east.

Response: Comment noted. The information provided above does not pertain to the proposed ALUCP or Initial Study.

Danny Yrigollen

37. Appendix A Coalinga Municipal Airport

a. Exhibit A4 – Runway 1-19 length doesn’t seem to match what is in text on page A-1 Safety Zones and page A-5, Table A2.

Response: The ALP is dated 2007. Current FAA 5010 Airport Master Record states 2,471 feet. 5010 information was used in the document.

38. Appendix C Fresno Chandler Executive Airport

a. Exhibit C4 -Runway length doesn’t match text on page C-2 Airport Facilities and page C-3, Table C1.

Response: The ALP is dated 2010. Current FAA 5010 Airport Master Record states 3,627 feet. 5010 information was used in the document.

b. Page C-3, Airport Environs; Existing Land Uses: wooded forest preserves? Where?

Response: Reference to wooded forest preserves deleted.

39. Appendix D Fresno Yosemite International Airport

a. Page D-1, Safety Zones – the runway designations and runway lengths are reversed.

Response: Text revised to associate the correct this reversal.

b. Exhibit D1-continued 2 – there’s a renegade E. McKinley Ave. label east of the airport.

Response: Exhibit revised to deleted errant E. McKinley Ave. label.

c. Page D-4, Airport Environs; Existing Land Uses: wooded areas? Where?

Response: Reference to wooded forest preserves deleted.

40. Appendix F Reedley Airport

a. Page F-2, Airport Information; Airport Facilities: Runway width is identified as 60 feet. ALP shows 50 feet.

Response: Runway width changed to 50 feet.

b. Page F-3, Table F1 – Width is identified as 60 feet. Doesn’t match ALP which shows 50 feet.

Response: Runway width changed to 50 feet.

41. Appendix H Sierra Sky Park Airport

a. Exhibit H1 – continued: several street designations are in the wrong location.

Response: Street label locations corrected.

b. Exhibit H4 – runway length is shown as 2,436 feet. 2,473 feet is shown throughout Appendix H. Which is correct?

Response: The correct runway length is 2,473 feet. The exhibit has been revised.

42. Appendix J William Robert Johnston Municipal Airport

a. Page J1, Safety Zones: There’s a sentence stating a runway extension of 1,400 feet being shown on the ALP. On the ALP there is shown an extension but no distance. There is a note stating the extension would require FAA approval and forecast. The runway data table doesn’t indicate the extension on its ultimate column. Is it correct to use this data for creating the safety zones?

Response: The runway extension was measured based on the scale included on the ALP. Although the ALP does not follow the common practice of listing the future runway length, the safety zones were drawn with the runway extension to represent the future condition as

proposed on the ALP. It should be noted that most runway extension projects require an evaluation of forecasts and other approvals by FAA.

43. Appendix K Naval Air Station Lemoore

a. Page K2, Airport Facilities, second paragraph: should the sentence "...standard 2,400-foot-high intensity approach..." lose a few hyphens? Initial read makes it seem the approach system is 2,400 feet high.

Response: Hyphens removed from the sentence.

b. Exhibit K2 – Seems to indicate right and left traffic patterns for each runway while text and table indicate left traffic patterns on all runways. Have I lost my mind?

Response: Table and text have been revised to indicate right traffic for Runway 14R and Runway 32R.

44. Appendix M: Supporting Materials

a. Exhibit M-1 – Safety Zones - no example of Large Air Carrier Runway classification (FAT?).

Response: Large Air Carrier Runway example added to the exhibit.

Responses to CALTRANS Letter Dated October 26, 2018

Comment 1: According to the Handbook, the essential elements of land use compatibility planning in the vicinity of airports are noise, overflight, safety, and airspace protection. To ensure implementation of these essential elements, local agencies must be engaged in the airport land use compatibility planning process. It is also important for the ALUC and the local agencies to understand the overall value of the airports in Fresno County. This ensures that the objectives of the State Aeronautics Act can be fully implemented.

Response: Comment noted.

Comment 2: PUC section 21674(d) provides the powers and duties of an ALUC to review all local agency plans. Many times, master or development plans prepared by school districts, water purveyors, wastewater treatment operators, power suppliers, etc. are not consistent with a local agency's general plan. ALUCP policies pertaining to responsibilities of local agencies and ALUC review of local actions should consider the long-range plans of the local agencies, as defined by the statute.

Response: Section 2.3 Local Agencies and Stakeholders Subject to this ALUCP states: Local agency refers to Fresno County and any municipality with land use regulatory and permitting authority. It also includes school districts, community college districts, and special districts. Local agencies must incorporate compatibility policies and standards into their land use plans and regulations or overrule the ALUCP, in whole or in part.

Comment 3 Draft ALUCP section 1.5.1 discusses affected local agencies. The ALUCP should list each local agency affected by the ALUCP, including school districts, water purveyors, wastewater treatment operators, power suppliers, etc. according to PUC section 21670 (b)(2)(f). Identifying and notifying local agencies assists in avoiding conflicts between their master plans and the ALUCP. These local agencies must also update their master plans to be consistent with the ALUCP.

Response: Comment noted. Please see response to Comment 2.

Comment 4: Draft ALUCP section 2.1 lists previously used but not statutorily supported airport land use planning documents. The local agencies prepared such documents for their local airports and these documents do not meet the criteria established in PUC sections 21670(b) and 21675(a). Subsequently and pursuant to PUC section 21676 (a), each local agency shall submit their general or specific plans to the ALUC for a consistency determination with the current ALUC's airport land use plan. If the local agencies' general and specific plans are not consistent with the current ALUC's airport land use plan, the ALUC may require local agencies to submit all land use planning actions, in accordance with PUC section 21675.5(a).

Response: Comment noted. The ALUCP Update addresses ALUC consistency review before and after local agency consistency findings in Section 2.6, 2.7, and 2.8.

Comment 5: Similarly, draft ALUCP section 2.5.1 and 2.5.2 is only appropriate if the ALUC has made a consistency determination based on a valid ALUCP, adopted by the ALUC. These sections should note that any consistency determination made based on previously used but not statutorily supported airport land use planning documents may be subject to review by the ALUC.

Response: Comment noted. The ALUCP Update addresses ALUC consistency review before and after agency consistency findings in Section 2.6, 2.7, and 2.8.

Comment 6: Draft ALUCP section 2.3.2 accurately states that the ALUCP has no authority over airport operations but this limitation does not extend to land uses on the airport. PUC section 21674(d) provides an ALUC with the powers and duties to review plans, regulations, and other actions of airport operators. Airport operations and airport land use are distinct functions of an airport. Handbook section 6.2.3 provides guidance to ALUCs in addressing non-aviation development of airport property. State law authorizes ALUCs to review airport plans and does not prohibit an ALUC from making consistency determinations regarding airport development and plans. Since the ALUC is comprised of multi-jurisdictional members, it is appropriate to adopt a specific policy that allows ALUCs to make consistency determinations for airport development projects.

Response: Section 2.9 ALUC Review of Proposed Airport Plans and Projects addresses non-aviation development on airport property.

Comment 7: Draft ALUCP section 2.4.1 presents a policy regarding existing land use. This policy is a lenient application of the guidance provided in Handbook section 3.5.1. The draft ALUCP defines existing land use as parcels that are vested. Handbook section 3.5.1 presents three status categories of land use based on case law: (1) development rights established, (2) development rights uncertain, and (3) development rights not established.

Response: Comment noted.

Comment 8: Draft ALUCP section 2.4.4 states that construction of a single-family residence and secondary dwelling units are allowed on a legal lot of record. The Division's concern is that allowing secondary dwelling units within certain safety zones may exacerbate noise and safety incompatibilities. The Division recommends that the ALUC adopt a policy that limits secondary dwelling units, consistent with the Handbook's density and intensity criteria, in safety zones to minimize new noise and safety incompatibilities. Though local agencies implement secondary dwelling unit statutes through ordinances, these ordinances need to be consistent with the policy.

Response: Section 2.4.4 provides the following conditions for a single-family residence:

1. The property is located outside of Safety Zone 1 – Runway Protection Zone (RPZ)
2. The project is permitted by the local agency
3. The project is reviewed by the ALUC for consistency with this plan

Comment 9: Draft ALUCP Exhibit 2A may be mis-interpreted because the flow graphic shows the project or regulation sponsor proceeding with implementing the project or regulation, regardless of the ALUC’s consistency determination. If the ALUC determines that a project or regulation is inconsistent with the ALUCP, and if the project sponsor does not amend the project or regulation, or overrule the ALUC’s consistency determination, then the project sponsor cannot proceed with implementation of the project or regulation. The graphic should clearly show this matter.

Response: Comment noted. Exhibit 2A and Exhibit 2C have been modified to clearly show the project sponsor cannot proceed with implementation unless they take one of two actions: 1) modify the project to be consistent with the ALUCP, or 2) overrule the ALUC’s determination of inconsistency.

Comment 10: Draft ALUCP section 2.6.7 states, “any parcels less than one acre shall be evaluated for consistency based upon the compatibility zone that covers the majority of the parcel (greater than 50 percent).” Aircraft accidents do not occur along strict compatibility zones. The Handbook advises, “in situations where a parcel is split by two or more safety zones, clustering development can also be an effective means by which to avoid development in a higher risk safety zone. The disadvantage of clustering is that it allows an increased number of people to be in the potential impact area of an uncontrolled crash. Clustering is discouraged in zones 1, 2, and 3.”

Response: Comment noted. Clustering is encouraged per footnote 1 on Table 3A. Density criteria in Table 3A prevents clustering on parcels less than one acre because dwellings are not allowed in Zone 1; only one dwelling is allowed per 10 acres in Zone 2; and only one dwelling is allowed per 2 acres in Zone 3.

Comment 11: Draft ALUCP Table 3A provides generalized safety zone compatibility. Applying the compatibility criteria universally to the many different types of airports in Fresno County does not account for their varied circumstances. Some of the airports in the Fresno County are in rural and urban areas. The density and intensity criteria should be applied accordingly. Table 3A indicates some uses would not be prohibited though the Handbook discourages these types of uses. For example, the Handbook discourages multi-story uses in Safety Zone 2, but the Table prohibits multi-story exceeding three stories. In this case, a two-story building would be allowed but the Handbook advises against multi-story buildings. In more rural areas this policy would be inappropriate, but in more urban areas, it may be appropriate. For ease of use by local planners, a similar Table for each airport would be appropriate or Table 3A should be expanded to alert planners to the differences. Individualized tables would also minimize the burden of the ALUC to interpret the prohibited and allowable uses in Table 3A and how to apply appropriate conditions across several different circumstances.

Response: The safety zones within the Draft ALUCP have been differentiated based on runway length, types of operations, and activity levels using Handbook Figures 3A and 3B. It is Fresno COG's preference to take a uniform approach to establishing compatibility thresholds. The Handbook does not provide detailed objective criteria for differentiating based on the surrounding land uses, which makes it difficult to support adopting separate tables for each airport. The land use criteria included in the Draft ALUCP are consistent with guidance available in the Handbook. In addition, urban density criteria have been added to Table 3A within the City of Fresno to address this issue.

Comment 12: Draft ALUCP Table 3A does not prohibit land uses with vulnerable occupants in Safety Zone 6. The handbook states that there, “are uses for which risk acceptability cannot be measured simply in terms of the number of occupants.

Response: The Handbook does not specifically recommend that hospitals, preschools, schools, and other similar uses be prohibited in Zone 6, so no change to the table will be made.

Comment 13: Draft ALUCP Table 3B provides generalized noise compatibility. Applying the compatibility criteria universally to the many different types of airports in Fresno County does not account for their varied circumstances. Some of the airports in Fresno County are in rural and urban areas. The noise criteria should be applied accordingly. Handbook, Table 4A, lists normalization factors to be applied according to land use characteristics. An ALUCP policy pertaining to normalization would be appropriate in applying these factors to the various land use characteristics in Fresno County.

Response: The 60 CNEL was chosen as the threshold for compatibility. Per the 2011 Handbook, the 60 CNEL is suitable for new development around most airports and is particularly appropriate in mild climates where windows are often open.

Comment 14: Draft ALUCP section 3.4.5 discusses other airspace hazards. It also would be appropriate to include a referral area, consistent with FAA AC 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, for each airport. This will alert planners to potential airspace hazards and whether a proposed land use requires ALUC review.

Response: The Handbook does not include specific guidance for adopting a boundary for evaluating potential wildlife, visual, electronic, or thermal hazards. The available guidance from FAA regarding wildlife hazards is included in Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports and states that airports which have received Federal grant-in-aid assistance must comply with the standards. For example, at airports serving turbine-powered aircraft, FAA recommends a separation distance of 10,000 feet between these airports and hazardous wildlife attractants. It is important to note that these responsibilities rest with airport sponsors, rather than the ALUC. There is no other guidance available for establishing review areas for other flight hazards beyond the AIA included in the Draft ALUCP. Therefore, no changes will be made.

Comment 15: Draft ALUCP section 3.4.6 discusses FAA notification requirements per Title 14, Code of Federal Regulations, Part 77, Subpart B, Notice of Proposed Construction or Alteration, and by PUC sections 21658 and 21659. Listing the specific requirements of Federal Aviation Regulations (FAR) Part 77.13 in the ALUCP and in local land use plans or ordinances would assist planners identifying projects that may require FAA notification. This would benefit project sponsors in notifying the FAA during their due diligence or during pre-application processes.

Response: Please see Section 3.4.6 FAA Notification and Appendix M Supporting Materials.

Comment 16: The FAA AC 150/5200-33B identifies land use types that could attract wildlife as:

- Waste Disposal Operations
- Water Management Facilities
- Wetlands
- Dredge and Soil Containment
- Agricultural Activities
- Golf Courses, Landscaping and other uses
- Synergistic effects

The FAA discourages the land uses listed above within 5,000 feet of an airport

Response: See section 3.4.5 Other Flight Hazards (d). Also see response to Comment 15.

Comment 17: Some of the Draft ALUCP Airport Layout Plans (ALP) exhibited in Appendix A are not FAA signed versions. Providing copies of the most recently approved signed ALPs would be consistent with PUC section 21675(a).

Response: A scan of the signed ALP has been requested from the City of Firebaugh. Once received, it will be included in the document.

Comment 18: The PUC requires the ALUCP to be based on the anticipated growth of an airport during at least the next 20 years. Safety and noise compatibility, including safety zones and noise contour diagrams, must be based on 20-year forecasts and illustrated accordingly.

Response: Appendices A through J provide the bases for the ALUCP safety, noise, and airspace compatibility zones and criteria.