



# CITY OF CLOVIS GENERAL PLAN - AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY ANALYSIS

October 2020

City of Clovis Planning Division

**CITY OF CLOVIS GENERAL PLAN  
AIRPORT LAND USE COMPATIBILITY PLAN CONSISTENCY ANALYSIS**

**SECTION 1: INTRODUCTION**

The Fresno Yosemite International (FYI) Airport is located in the City of Fresno, immediately southwest of city limits for the City of Clovis. A portion of the planning area for the Clovis General Plan overlaps the Airport Influence Area (AIA) for the FYI Airport, as designated by the Fresno County Airport Land Use Compatibility Plan (ALUCP). The area with the City's General Plan is further defined as being within the FYI Airport's Traffic Pattern Zone (TPZ). State Law and the ALUCP require that that City's General Plan be reviewed for consistency with ALUCP, and that revisions or amendments to the General Plan be adopted, if necessary, to eliminate any conflicts.

**1.1 ALUCP – Authority**

The Fresno County ALUCP was prepared by the Fresno County Airport Land Use Commission (ALUC), under the authority of the California State Aeronautics Act, California Public Utilities Code Section 21001 et seq. The ALUCP has also been prepared with reference to, and is consistent with, the guidance provided by the California Department of Transportation, Division of Aeronautics in the 2011 version of the California Airport Land Use Planning Handbook pursuant to California Public Utility Code Sections 21674.5 and 21674.7.

**1.2 ALUCP - Purpose**

The ALUCP is a land use compatibility plan that is intended to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, to protect the public from adverse effects of aircraft noise, and to ensure that no structures or activities adversely affect navigable space. The ALUCP identifies standards for development in each airport's planning area based on noise contours, safety zones, and building heights. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity (2014 Clovis General Plan EIR, Page 5.10-3).

The geographic scope for the ALUCP is defined by an AIA boundary for each public use airport within the plan boundary. 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" (ALUCP, Page 1-7).

**1.3 Fresno County Airport Land Use Commission**

The establishment of an airport land use commission (ALUC) is required for any county with an airport that is operated for the benefit of the public. The role of the ALUC is to "formulate a comprehensive plan that will provide for the orderly growth at each public use airport and the area surrounding the airport within the jurisdiction of the commission" (State of California, Public Utilities Code Section 21675).

The Airport Land Use Commission has two primary functions:

- To prepare and adopt an ALUCP with a 20-year planning horizon for each airport within its jurisdiction.
- To review local agency land use actions and airport plans for consistency with the land use compatibility policies and criteria in the ALUCP.

In Fresno County, membership of the ALUC is comprised of seven commissioners. Two members are appointed by a City Selection Committee to represent Fresno County cities. The Fresno County Board of Supervisors appoints two members to represent the County. Two aviation experts are appointed by a selection committee comprised of the airport managers of public use airports within Fresno County. The final member of the Commission is appointed by the other six members to represent the general public. A 2008 memorandum of understanding between the County of Fresno and Fresno Council of Governments<sup>1</sup> (COG) was established to transfer staffing and administrative support from the Fresno County Department of Public Works and Planning to the Fresno COG (ALUCP, Page 1-7).

**Fresno County ALUC  
Membership (Oct 2020)**

- Ron Duarte, Chairman (Expert)
- Daniel Yrigollen, Vice Chair (Expert)
- Ray Remy, Commissioner (City)
- Robert Beck, Commissioner (City)
- Mary Fast, Proxy (City)
- Mark Davis, Vice Chair (Expert-Proxy)
- Bill Darnell, Commissioner (Public)
- John Krikorian, Proxy (Public)
- Sal Quintero, Commissioner (County)
- Vacant, Proxy (County)
- Nathan Magsig, Commissioner (County)
- Dwight Kroll, Proxy (County)

#### 1.4. General Plan Consistency Determination

Local agencies must submit an application for a consistency determination to the ALUC for proposed land use plans, regulations, and projects as required by the ALUCP. With the adoption or amendment to the ALUCP, local agencies are specifically required to conduct a review of their land use plans and regulations for consistency with the ALUCP within 180 calendar days of the ALUC's adoption or amendment. Each local agency affected by the ALUCP must:

1. Amend its land use plans and regulations to be consistent with this ALUCP, if needed; or
2. Overrule this ALUCP by a two-thirds vote of its governing body after adopting findings that justify the overrule and providing notice, as required by law.

If the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of the Aeronautics Act, as stated in Public Utilities Code Section 21670, the ALUC may require that the local agency submit all subsequent actions, regulations, and permits to the ALUC for review until the local agency's general plan or specific plan is revised or the specific findings are made, pursuant to Public Utilities Code Section 21676.5.

The Fresno County ALUC adopted a comprehensive update to the ALUCP in December of 2018. The update included adjustment to the interface between the ALUCP and the City of Clovis General Plan. The City did not perform a consistency analysis and revise its general plan to be consistent with the ALUCP within 180 days, nor did it take steps to overrule the ALUCP. Though no formal action on the part of the Fresno County ALUC has occurred to require follow up action on the part of the City, the City has been voluntarily submitting individual projects to the ALUC for review until a general plan consistency determination can be made.

**SECTION 2 - EXISTING CLOVIS GENERAL PLAN**

The General Plan represents the long term development plan for the City of Clovis. While the City has also adopted several specific plans, each with a defined and smaller geographic scope than the General Plan, none are geographically relevant to the AIA. Clovis adopted a comprehensive update to its General Plan in 2014 in conjunction with the certification of a Program Environmental Impact Report (SCH # 2012061069). The General Plan includes the following elements:

▪ Air Quality	▪ Economic Development	▪ Environmental Safety
▪ Circulation	▪ Land Use	▪ Open Space And Conservation Element
▪ Public Facilities and Services	▪ Housing	

The relationship between the Clovis General Plan and the FYI Airport is acknowledged in the City’s General Plan. The FYI Airport is just outside the General Plan Area’s southwestern boundary. Based on the ALUCP then in effect, a small portion of the southwestern boundary was identified as being within the AIA of the Airport. Portions of the southwestern boundary also fell within the traffic pattern zone of the Airport and its’ associated safety-compatibility and noise contours.

Noise and land use compatibility issues associated with the FYI Airport are discussed in the Environmental Safety Element of the General Plan. Airport Noise Contours are mapped as Exhibit ES-5 under the General Plan and Airport Safety Compatibility Zones are mapped as Exhibit ES-6. The following General Plan policies address the FYI Airport and the topics of noise and land use compatibility:

- Policy 3.2 - Land use and traffic patterns. Discourage land use and traffic patterns that would expose sensitive land uses or noise-sensitive areas to unacceptable noise levels.
- Policy 3.4 - Acoustical study. Require an acoustical study for proposed projects that have the potential to exceed acceptable noise thresholds or are exposed to existing or future noise levels in excess of the thresholds in the city’s noise ordinance.
- Policy 3.10 - Airport changes. Coordinate with the Fresno Yosemite International Airport to minimize noise impacts on properties in Clovis due to changes in flight patterns or airport expansion.
- Policy 3.11 - Airport land use compatibility. Approve land uses in a manner that is consistent with the Fresno Yosemite International Airport Land Use Compatibility Plan.

- Policy 3.13 - Small aircraft and helicopters. Minimize the noise impact of small aircraft and helicopters on residential neighborhoods.
- Policy 3.14 - Control sound at the source. Prioritize using noise mitigation measures to control sound at the source before buffers, sound walls, and other perimeter measures.

The 2014 General Plan's consistency with the ALUCP for the FYI Airport was analyzed in Section 5.10 (Land Use) of the General Plan EIR. Additional analysis was included in Sections 5.8 (Hazards and Hazardous Materials) and 5.12 (Noise). The EIR concluded that no conflicts existed between the General Plan and the ALUCP and, with the implementation of the policies in the General Plan, no potentially significant environmental effects would be generated.

### **SECTION 3 – GENERAL PLAN CONSISTENCY EVALUATION**

#### 3.1 Consistency Criteria

The City of Clovis is responsible for evaluating the consistency of its General Plan with the ALUCP. To establish consistency of land use plans and regulations with the ALUCP, local agencies must demonstrate the following:

- Land Use Conflicts. There are no direct conflicts between proposed new land uses indicated on a general plan land use map and the land use criteria in the ALUCP.
  - Residential densities (units/acre) should not exceed the set limits.
  - Non-residential density must adhere to applicable intensity limits.
  - Uses listed as prohibited in the compatibility criteria should not be allowed.
- Noise Criteria. The standards in the General Plan indicating the maximum noise exposure for which residential development is normally acceptable must be made consistent with the equivalent ALUCP criteria.
- Zoning or Other Policy Documents. Policies and criteria addressing intensity limitations on non-residential uses, identification of prohibited uses, open land requirements, and infill development need to be reflected either in the general plan or in a separate policy document.

#### 3.2 Consistency Analysis - Land Use Conflicts

##### 3.2.1 Safety Zones

The ALUCP incorporates guidance from the 2011 California Airport Land Use Planning Handbook (Handbook) relative to the delineation of safety zones and the application of land use policies in those zones. The safety zones within the AIA for the FYI Airport are based on the Handbook guidance, with adjustments to reflect the specific operating characteristics of the Airport (type of aircraft activity, runway length, traffic pattern, etc.).

The safety compatibility policy framework is also based on Handbook guidance. Safety zones are numbered 1 through 7. Accident risks are highest with Zones 1 and 2, and lowest with Zones 6 and 7. Compatibility criteria and land use restrictions follow a similar pattern, with the most restrictive criteria applied to Zones 1 and 2, and the least restrictive criteria applied to Zone 6. No compatibility criteria are set for Zone 7.

<b>SAFETY ZONES</b>
Zone 1 – Runway Protection
Zone 2 – Inner Approach/Departure
Zone 3 – Inner Turning
Zone 4 – Outer Approach/Departure
Zone 5 – Sideline Zone
Zone 6 – Traffic Pattern
Zone 7 - Precision Approach

### 3.2.2 Traffic Pattern Zone – Safety Zone 6

The entirety of the Clovis Planning Area that overlaps the FYI’s Airport Influence Area is within Safety Zone 6, the Traffic Pattern Zone (TPZ). The aircraft accident risk level is considered to be low within the Zone 6 and the compatibility criteria, shown below in Table 3.1, are the least restrictive of all safety zones within the AIA (ALUCP, Page 3-3).

<b>Criteria</b>	<b>Standard</b>
Max Dwelling Units Per Acre	No Limit
Maximum Non-residential Intensity	300 persons per acre
Required Open Land	10%
Prohibited Uses	Hazards to flight; Outdoor stadiums and similar uses with very high intensity uses.
Other Development Conditions	Airport disclosure notice required; Airspace review required for objects >100feet tall; New structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces; New structures require additional airspace analysis required within the 50-foot terrain penetration buffer.

Source: ALUCP – Table 3A, Page 3-5

The compatibility criteria established for safety zones are intended to restrict the development of land uses that could pose particular hazards to the public or to vulnerable populations in case of an aircraft accident. Residential density and the intensity of non-residential development, measured in persons per acre, are key criteria for determining potentially incompatible uses within each safety zone. For Safety Zone 6, there is no limit on residential density. The criteria for non-residential uses (i.e. commercial, industrial, institutional) allow up to 300 persons per acre.

Prohibited uses with Safety Zone 6 include outdoor stadiums and similar uses. Any other uses which are deemed hazards to flight are also prohibited, a standard which applies in all safety zones. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development, such as golf courses and certain types of crops, as outlined in FAA’s Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, that may cause the attraction of birds to increase is also prohibited.

### 3.2.3 Clovis General Plan Land Use Designations Within Safety Zone 6

The 2014 Clovis General Plan designates property within its respective portion of the FYI Airport Influence Area for a combination of residential, commercial, and institutional uses. A summary of the land use designations found within the Clovis portion of the Airport Influence Area are included in Tables 3.2, 3.3 and 3.4.

<b>Table 3.2: Clovis GP - Residential Designations Within the AIA</b>			
<b>Designation</b>	<b>Description</b>	<b>Density</b>	<b>Max Height</b>
Low Density (L)	Conventional single family detached houses.	2.1-4.0	35'
Medium Density (M)	Detached and attached single family homes, patio homes, or zero lot line homes.	4.1-7.0	35'
Medium High Density (MH)	Small lot single family detached homes, town houses, duplexes, and apartments.	7.1-15.0	35'

<b>Table 3.3: Clovis GP - Commercial and Industrial Designations</b>			
<b>Designation</b>	<b>Description</b>	<b>Max FAR</b>	<b>Max Height</b>
Office (O)	Professional offices, corporate headquarters, research and development, medical facilities, hotels, and limited related retail uses.	3.0	40'
General Commercial (GC)	Community- or regional-scale centers that may be anchored by large format stores as well as a variety of retail outlets and restaurant and entertainment uses. Hotels and motels are also appropriate.	1.5	50'
Neighborhood Commercial (NC)	Neighborhood-scale shopping facilities conveniently located near residential areas. These developments are typically anchored by supermarkets and drugstores. A wide range of other uses including banks, restaurants, service businesses and other related activities are generally found in these planned centers.	0.5	20
Mixed Use Village - MU-V	Vertical or horizontal mix of commercial, office, and/or residential uses on the same parcel. Retail is preferred on the ground floor. Office uses and attached single family and multiple family housing should be above the ground floor when in a mixed-use building.	4.0 FAR 15.1-25.0 du/ac	35'-75'
Industrial (I)	Light/heavy industrial, business park, and research and development uses.	2.0	75'

<b>Table 3.4: Clovis GP - Public and Institutional Designations</b>			
<b>Designation</b>	<b>Description</b>	<b>Max FAR</b>	<b>Max Height</b>
School (S)	Existing or proposed school sites. Public and private schools are a permitted use in all single family residential areas. More specific sites may be identified through the master planning of each Urban Center.	N/A	N/A
Park (PK)	Existing and proposed park sites.	N/A	N/A
Water (W)	Existing and planned water retention and other flood control facilities.	N/A	N/A
Public/Quasi-Public Facility (P)	Public and quasi-public uses such as city hall facilities, maintenance yards, cemeteries, churches, meeting halls and the rodeo grounds.	1.0	40'

### 3.2.4 Determination Regarding General Plan Land Use Consistency

#### A. Residential Designations

The majority of the City of Clovis that is located within the AIA for the FYI Airport is designated for residential development at varying densities. There are no limitations on residential density with Safety Zone 6. Therefore, no conflicts have been identified.

Recommended Action: None

#### B. Non-Residential Designations

Non-residential development with Safety Zone 6 must be limited to an intensity of 300 persons per acre. Appendix L to the ALUCP provides guidance on calculating intensity for proposed land uses. The non-residential land use designations in the City's General Plan could potentially allow for the development of commercial and industrial uses which could exceed 300 persons per acre in occupancy. However, based on allowable floor area ratios for buildings, and parking requirements for commercial and industrial uses which further limit the portions of a site that can be developed with buildings, it is not likely that the 300 persons per acre standard will be exceeded.

Recommended Action: While the potential for projects to exceed an intensity level of 300 persons per acre is low, it cannot be ruled out. Therefore, an addition to General Plan Policy 3.11 to prohibit such occupancies, based on the ALUCP guidance on calculating intensity, is recommended. The specific language amending Policy 3.11 is included in Section 4.

### C. Prohibited Uses

Uses that are specifically prohibited within Safety Zone 6 include outdoor stadiums and similar facilities with very high intensity uses. The inventory of available undeveloped land with the City of Clovis portion of the AIA is very low, and not conducive to the development of stadiums or arenas. Therefore, the potential that such a use would be proposed is very low, but not impossible.

A second category of uses, “hazards to flight,” is also prohibited in all safety zones. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development, such as golf courses and certain types of crops, as outlined in FAA’s Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports, that may cause the attraction of birds to increase is also prohibited. While the potential for uses constituting hazards to flight is very low, these hazards are not specifically addressed in the City’s General Plan or Development Code.

Recommended Action: While the likelihood that prohibited uses will be proposed within the City is very low, the possibility cannot be ruled out. Therefore, an addition to General Plan Policy 3.11 to identify prohibited uses as specified in the ALUCP is recommended. The specific language amending Policy 3.11 is included in Section 4.

### **3.3 Consistency Analysis – Noise Criteria**

The City’s General Plan includes criteria indicating the maximum noise exposure for which residential development is normally acceptable. The ALUCP also includes a noise compatibility criteria matrix specifying maximum acceptable airport noise levels for various land uses, including residential uses. As part of its consistency evaluation, the City must ensure that the maximum residential noise exposure in its General Plan is equivalent with the criteria for residential noise exposure in the ALUCP.

Noise standards and compatibility criteria in the Clovis General Plan are included in the Environmental Safety Element. Table ES-1 provides interior and exterior noise standards for several land use types. Exterior standards for all residential uses specify 65 CNEL (Community Noise Equivalent Level – In “A-Weighted” Decibels) as the maximum compatible exterior noise exposure. The ALUCP similarly indicates that residential uses are not considered compatible above 65 CNEL (ALUCP, 3-13). Both documents also specify 45 CNEL as the maximum indoor noise exposure (with windows closed). Therefore, both the Clovis General Plan and the ALUCP are consistent in identifying exterior and interior maximum compatible exposure level for residential uses and no modification is required.

Recommended Action: None

### **3.4 Miscellaneous Compatibility Criteria and Policy Documents**

In addition to specifying General Plan consistency criteria based on land use and noise, the ALUCP requires that several additional compatibility-related criteria be reflected in either the General Plan or in a separate policy document such as a combining zone ordinance. The following topics must be included: intensity limitations on non-residential uses; identification of prohibited uses; open land requirements; infill development; buyer awareness measures; non-conforming uses and reconstruction; and, review procedures.

#### **3.4.1 Intensity Limitations on Non-residential Uses**

The criteria addressing intensity limitations for non-residential uses is addressed in Section 3.2.4.B. With the recommended action discussed in that section, no further changes are required.

Recommended Action: None.

#### **3.4.2 Identification of Prohibited Uses**

The criteria addressing prohibited uses is addressed in Section 3.2.4.C. With the recommended action discussed in that section, no further changes are required.

Recommended Action: None

#### **3.4.3 Open Land Requirements**

Open land within the AIA is intended to support the concept that, in the event a small aircraft is forced to land somewhere other than at an airport, the risks can best be minimized by providing as much open land as possible in the vicinity of the airport (Airport Land Use Handbook). Open land criteria should be reflected in local policies.

The ALUCP specifies that 10% of land area within Safety Zone 6 should be preserved as open land. However, in its discussion of open land criteria, the ALUCP notes that open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large development projects of 10 acres or more. Consultation with Fresno County ALUC staff confirmed that the preferred approach to providing open space within airport environs was at the community plan level, and that providing effective open land in conjunction with individual projects was impractical in most cases. Considering the degree to which the Clovis portion of the AIA for the FYI Airport has already been developed, ALUC staff provided guidance indicating that further evaluation was unnecessary.

Recommended Action: None.

### 3.4.4 Infill Development

The ALUCP includes a policy allowing non-conforming infill development to move forward when similar non-conforming uses have already been developed on the surrounding properties. Several limitations are included with this policy that establish infill eligibility, define density and intensity limits, set the maximum size of the infill development, etc. If local agencies wish to take advantage of the infill policy, the lands that meet the qualifications must be shown on a map.

Based on the parameters adopted for infill development as part of the ALUCP, no apparent opportunities to take advantage of the infill development policy have been identified. Within Safety Zone 6, proposed uses exceeding the intensity limit of 300 persons per acre would need to be located next to existing uses that already exceed this level. These circumstances have not been identified.

Recommended Action: None

### 3.4.5 Height Limitations and Other Hazards to Flight

#### A. Height Restrictions.

To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. Within Safety Zone 6, generally, there is no concern with regard to any object up to 100 feet above ground level unless it is located on high ground or is a solitary object (such as antenna) more than 35 feet above ground level (ALUCP, Page 3-17). Other height-based criteria that focus on variations in terrain are not applicable due to the virtually flat topography which characterizes the Clovis Planning Area. Based on the height allowances in the City's Development Code, heights of buildings within the Airport Influence Area will not extend above 100'. However, it is possible that communication towers exceeding 100' in height may be proposed.

Recommended Action: Because communication towers exceeding the assumed maximum height criteria (100') may be proposed within Safety Zone 6, General Plan Policy 3.11 should be amended to require that projects exceeding 100' in height be submitted for review to the ALUC and an FAA Form 7460 be filed to obtain a Determination of No Hazard. The specific language amending Policy 3.11 is included in Section 4.

#### B. Other Hazards to Flight

In addition to height limits, local agencies must also establish restrictions on other land use characteristics which can cause hazards to flight. The ALUCP identifies the following specific characteristics to be considered:

- Glare or distracting lights which could be mistaken for airport lights;
- Sources of dust, steam, or smoke which may impair pilot visibility;
- Sources of electrical interference with aircraft communications or navigation; and
- Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.

Recommended Action: Neither the General Plan nor the Development code prohibit the potential hazards identified by the ALUCP. For this reason, General Plan Policy 3.11 should be amended to require that projects within the AIA be reviewed for the potential to exhibit these characteristics and be modified or denied accordingly. The specific language amending Policy 3.11 is included in Section 4.

#### 3.4.6 Buyer Awareness Measures

The ALUCP includes provisions which require public notice in the form of avigation easements and real estate disclosure notices regarding the potential for airport impacts within the AIA. Avigation easements are recorded instruments which effectively provide rights and allowances for airport and associated aircraft operations, and limit or prohibit actions on the part of property owners which would conflict with airport operations. Avigation easements are not required within Safety Zone 6 and no action on the part of City is required.

Real estate disclosure notices are intended to notify potential buyers and lessees regarding the proximity of properties to the airport and the presence of overflights above those properties. Disclosure notices are required within Safety Zone 6, with the following language recommended:

*NOTICE OF AIRPORT IN VICINITY: This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.*

The ALUCP provides guidance indicating that each land use jurisdiction affected by the compatibility plan should adopt a policy designating the AIA as the area wherein disclosure of airport influence is required in conjunction with the transfer of residential real estate. Furthermore, such policy should require signs providing the above notice be prominently posted in the real estate sales office and/or other key locations at any new project within the AIA.

Recommended Action: General Plan Policy 3.11 should be amended to incorporate airport disclosure notice requirements following the guidance in the ALUCP. The specific language amending Policy 3.11 is included in Section 4.

#### 3.4.7 Nonconforming Uses and Reconstruction

Local agency policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive than those in the ALUCP. The ALUCP indicates that repair and maintenance of existing buildings are deemed compatible with the ALUCP and are not subject to consistency review. Modification of existing nonconforming land uses is permissible, provided that the modification does not increase the magnitude of the nonconformity when compared to the compatibility criteria specified for each safety zone (See Table 3.1 of this report). The magnitude of nonconformity shall be measured by:

- For residential land uses, the number of dwelling units and size of the structure on the lot;
- For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.

The City's Development Code addresses non-conforming uses and structures in Chapter 9.84. These existing provisions do not address conformity relative to the compatibility criteria in the ALUCP.

Recommended Action: General Plan Policy 3.11 should be amended to incorporate the ALUCP Policies regarding non-conforming uses. The specific language amending Policy 3.11 is included in Section 4.

### 3.4.8 Review Procedures

In addition to incorporation of ALUCP compatibility criteria, local agency implementing documents must specify the manner in which development proposals will be revised for consistency with the compatibility criteria as outlined below.

- **Actions Always Required To Be Submitted For Airport Land Use Commission Review.** Public Utility Code Section 21676 identifies the types of actions that must be submitted for ALUC. Local policies should either list these actions or at a minimum, note the local agency's intent to comply with the state statute.
- **Other and Use Actions Potentially Subject to Airport Land Use Commission Review.** In addition to the above actions, ALUCPs may identify certain major land use actions for which referral to the Airport Land use Commission is dependent upon agreement between the local agency and Airport Land Use Commission. If the local agency fully complies with all of required criteria in the general plan consistency evaluation, or has taken the necessary steps to overrule the Airport Land Use Commission, then referral of the additional actions is voluntary. On the other hand, a local agency may elect not to incorporate all of the necessary compatibility criteria and review procedures into its own policies. In this case, referral of major land use actions to the Airport Land Use Commission is mandatory. Local policies should indicate the local agency's intentions in this regard.

With regard to the first bullet point, Public Utility Code 21676 specifies that actions including the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the AIA must be submitted to the ALUC for review. The City intends to comply with this requirement and should confirm this intention in its General Plan. With regard to the second bullet point, the City intends to address all of required consistency criteria. Except as otherwise stated in the recommended amendments to General Plan Policy 3.11, all submittals to the ALUC will become voluntary.

Recommended Action: General Plan Policy 3.11 should be amended to confirm the City's intent to refer projects to the ALUC pursuant to Section 21676 of the Public Utility Code. The specific language amending Policy 3.11 is included in Section 4.

#### SECTION 4: RECOMMENDED AMENDMENTS TO GENERAL PLAN POLICY 3.11

General Plan Policy 3.11 is recommended to be amended to incorporate the criteria and consistency language described in this report, as follows:

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Policy 3.11 - Airport land use compatibility. Review and Approve land uses in a manner that is consistent with the Fresno County Yosemite International Airport Land Use Compatibility Plan (ALUCP) as it relates to the Airport Influence Area for the Fresno Yosemite International Airport, as follows:

- a. Non-residential projects within the Airport Influence Area shall be reviewed for consistency with the intensity limitations applicable to the Traffic Pattern Zone (Safety Zone 6) pursuant to the ALUCP's Guidance for Calculating Land Use Intensity. Projects determined to be in excess of the intensity limits (300 persons per acre) shall be prohibited.
- b. Outdoor stadiums and similar uses with very high intensity uses are prohibited within the Airport Influence Area.
- c. Projects proposed within the Airport Influence Area shall be reviewed to determine the potential for "hazards to flight" to exist. Each project found to include such hazards shall be modified to remove the hazards or be denied. Specific hazards to be considered include the following:
  - Glare or distracting lights which could be mistaken for airport lights;
  - Sources of dust, steam, or smoke which may impair pilot visibility;
  - Sources of electrical interference with aircraft communications or navigation; and
  - Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
- d. Modification of existing nonconforming land uses, as determined by their consistency with the compatibility criteria in Table 3A of the ALUCP, shall be permissible, provided the modification does not increase the magnitude of the non-conformity when compared with the compatible criteria specified in ALUCP Table 3A. The magnitude of nonconformity shall be measured as follows:
  - For residential land uses, the number of dwelling units and size of the structure on the lot;
  - For nonresidential land uses, the size of the nonconforming use in terms of lot area and building floor area.
- e. Projects exceeding 100' in height shall be submitted for review to the ALUC and an FAA Form 7460 be filed to obtain a Determination of No Hazard prior to City approval.
- f. Airport disclosure notices shall be required within the Airport Influence Area utilizing the recommended notice language, and following the disclosure guidance, outlined in the ALUCP.

- g. City shall comply with Section of 21676 of the Public Utility Code with regard to the mandatory submittal of land use plans or regulations to the Fresno County Airport Land Use Commission.
- h. Notwithstanding the ALUCP implementation criteria stated above, City shall implement the most recently adopted version of the Fresno County Airport Land Use Compatibility Plan.