



**Technical Memorandum**

To: Craig Schlatter, Community Development Director  
City of Ukiah

CC: Greg Owen, Airport Manager  
City of Ukiah

From: Ken Brody, Senior Project Manager  
Corbett Smith, Airport Planner

Date: December 13, 2017

Subject: Issues Concerning Garton Tractor Building Proposal and ALUCP Policies

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In the telephone conversations that we have had with you and Greg Owen, you asked us to address several airport land use compatibility issues concerning the proposed Garton Tractor building to be situated near the Ukiah Municipal Airport. This memo discusses the following questions:

1. What types of should projects go to the ALUC for review?
2. Should this project go to the ALUC?
3. What criteria should apply regarding development in the airport influence area given that the ALUC's compatibility plan for the airport is outdated?
4. What development, if any, is allowed inside of an RPZ?
5. Is there rationale for the City to allow the project if it is redesigned to remain outside of the RPZ but still in Compatibility Zone A\*?
6. How should the ALUC and City proceed to update the compatibility plan?

*1. Projects Needing ALUC Review*

The requirements for ALUC review of individual development projects are primarily spelled out in California state airport land use planning statutes (Public Utilities Code Sections 21676 and 21676.5). Language in the June 1996 *Airport Comprehensive Land Use Plan* adopted by the Mendocino County ALUC echoes these requirements.

Certain types of land use actions always are to be referred to the ALUC. These are ones involving adoption or amendment of a general plan, specific plan, zoning ordinance, or building regulations affecting land within an airport influence area. Zoning ordinance and building regulations variances are also normally considered as actions requiring referral if any airport land use compatibility factor is involved.

Other actions may or may not need to be referred depending on the circumstances. State law requires each local agency having territory within an airport influence area to amend its general plan and applicable specific plans to be consistent with the ALUC's plan or to take steps to overrule the ALUC. Until these plans have been referred to the ALUC and deemed consistent with the compatibility plan, or the local agency has overruled the ALUC with respect to these actions, the ALUC can require all individual development actions within the airport influence area be referred for review (PUC Section

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21676.5(a)). Few ALUCs are this rigorous. In Policy 1.3.3, the Mendocino County ALUC narrows the list of actions required to be referred to just a few:

- (a) Any proposed expansion of a city's sphere of influence.
- (b) Proposed land use project by a government entity which exceeds 10,000 square feet.
- (c) Proposed storage of more than 2,000 gallons of fuel or flammables per parcel in portions of the B Zone not lateral to the runway.
- (d) Reconstruction of existing incompatible development with Compatibility Zone A.
- (e) Any proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

The Compatibility Plan's list of actions that "local agencies will continue to refer" once the local plans are made consistent is identical (Policy 1.3.4). Based on state law, however, such referral is optional unless agreed upon by the local agency.

Another exception to the Compatibility Plan's referral requirements is provided in Policy 2.1.8. For nonresidential uses, this policy states that "expansion of non-conforming uses up to 20% of the existing structure floor area or 1,000 square feet, whichever is greater, is exempt from ALUC formal consistency review and findings."

### *2. ALUC Review of Current Project*

Our understanding is that the City's action to approve the proposed Garton Tractor building does not require a general plan, specific plan, zoning ordinance, or building regulations amendment or variance. That being the case, the referral is only required for actions in the above list. The proposed project does not explicitly fit into any of these categories.

However, it is a new building, not an expansion of less than 1,000 square feet to an existing building, and thus does not qualify for the exemption under Policy 2.1.8. Further, it is an action affecting Compatibility Zone A that can be construed as expansion within Zone A in accordance with Policy 1.3.3(d), even if not technically "reconstruction." When there is any doubt, Mead & Hunt encourages the local agency to refer the project to the ALUC.

### *3. Basis for Compatibility Review*

This is a topic about which the City Attorney should be asked. We can say, though, that in working with ALUCs in other counties, their legal counsel has typically advised that the ALUC's consistency determinations be based upon the adopted compatibility plan that is in place even when the plan is known to be outdated. Sometimes in their determination, though, an ALUC will make note of these circumstances. So doing can help the local agency in making the findings necessary to overrule the ALUC.

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### 4. Allowable Development in RPZs

The Runway Protection Zone (RPZ) is a ground level, trapezoidal area at the end of the runway. This area is designated to enhance the protection of people and property on the ground. The FAA recommends that incompatible land uses, objects, and activities not be located inside of an RPZ. The FAA also recommends that an airport operator maintain full control of an RPZ, ideally through fee simple property acquisition. If this is not feasible, land use control may be achieved through the use of easements.

FAA Advisory Circular 150/5300-13A *Airport Design*, states the following land uses are generally permissible:

- Farming that meets specific requirements
- Irrigation channels that meet specific requirements
- Airport service roads, as long as they are not public roads.
- Underground facilities
- Unstaffed navigational aids that are considered fixed-by-function.

The FAA's Memorandum, *Interim Guidance on Land Uses Within a Runway Protection Zone*, dated 9/27/2012, contains additional guidance on land uses that require coordination with the FAA. Table 1 of the memo lists land uses that require coordination with FAA headquarters in Washington D.C. if the proposed land use is to enter the limits of the RPZ. Buildings and structures are one of the listed land uses. If the City wishes to pursue this coordination with FAA headquarters for the placement of a building in the RPZ, there is a specific alternatives analysis that must be documented and presented to the FAA. The alternatives analysis should include:

- A description of each alternative including a narrative discussion and exhibits or figures depicting the alternative.
- Full cost estimates associated with each alternative regardless of potential funding sources.
- A practicability assessment based on the feasibility of the alternative in terms of cost, constructability and other factors.
- Identification of the preferred alternative that would meet the project purpose and need while minimizing risk associated with the location within the RPZ.
- Identification of all Federal, State and local transportation agencies involved or interested in the issue.
- Analysis of the specific portion and percentages of the RPZ affected, drawing a clear distinction between the Central Portion of the RPZ versus the Controlled Activity Area, and clearly delineating the distance from the runway end and runway landing threshold.
- Analysis of (and issues affecting) sponsor control of the land with the RPZ.

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- Any other relevant factors for headquarters considerations.

It is Mead & Hunt's opinion that this effort would be costly, time consuming, and would likely not result in a favorable finding for the project in question.

These standards notwithstanding, the federal government, including the FAA, has no direct authority over local land uses and consequently there isn't an outright prohibition on what land uses can occupy an RPZ. Instead, the FAA uses the grant assurances, which the City agreed to when accepting past FAA grants, as a mechanism for compliance. If the City were to proceed with an action that the FAA determined to violate these grant assurances, there is the potential for the City to be unable to obtain future FAA grants and also the potential requirement to repay past grants.

Table 2A of the ALUCP reflects the FAA standards. The criteria for Compatibility Zone A explicitly prohibits:

- All structures except ones with location set by aeronautical function
- Assemblages of people
- Objects exceeding FAR Part 77 height limits
- Hazards to flight.

Importantly, though, the boundary of Compatibility Zone A does not directly match the limits of the either the present or future RPZ as described below. Instead, it follows the airport property line in the area. Additionally, an A\* zone is created to encompass the remainder of the RPZ at this end of the runway. This zone boundary also mostly follows property lines rather than the RPZ boundaries. ALUCP Policy 6.1 recognizes the private ownership of land in Compatibility Zone A\*, by stating that "it is the intention of the City of Ukiah to provide long-term control of the land uses within these areas by either acquiring the property in fee or obtaining approach protection easements restricting the type and density of land uses permitted." Unfortunately, the ALUCP does not indicate what criteria should apply within Compatibility Zone A\* in the meantime, although presumably the criteria would be those of Zone A.

### *5. Acceptability of this Project if Not in RPZ*

As currently proposed, a small portion (approximately 1,000 square feet) of the Garton Tractor building would fall within the outermost, northeast corner of the present Ukiah Municipal Airport RPZ. The FAA RPZ standards as well as the ALUC's policies regarding Compatibility Zone A would apply. Complicating the situation, however, is that the 2016 Airport Layout Plan (ALP) that both the City and the FAA have approved proposes a future 465-foot northern extension of the runway. The RPZ would shift a corresponding distance, with the result being that, because of the RPZ's trapezoidal shape, the proposed building would fall just outside the edge of the future RPZ.

However, the change to the future RPZ as depicted on the ALP would only occur after the runway end is physically shifted north. Before that can happen, justification must be presented to the FAA that the

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runway should be extended to the north to better suit the aviation users, the environmental review process must be completed, and funding must be approved. Accomplishment of the project is thus undoubtedly many years away. The City therefore needs to continue protecting the present RPZ for the foreseeable future and also to protect the future RPZ in order to preserve the prospects for accomplishing the extension.

Unless the City wishes to go through the process of seeking FAA acceptance of the proposed building or to simply ignore the FAA standards on the basis that the City does not own the property, the primary remaining option is for the building's design to be modified so it falls entirely outside of both RPZs. The modified building would probably still be in Compatibility Zone A\* and remain in conflict with the ALUCP criteria for this zone, but it would likely be acceptable in terms of FAA standards. From an FAA perspective, the remaining concern likely would be to ensure that the building is not an airspace obstruction.

Another option, as discussed below, is to update the ALUCP. However, even if the A\* zone boundary were to be adjusted to match FAA criteria, a corner of the building would or should be in this zone. Until the proposed runway extension is implemented, the ALUCP should protect for both configurations. Also, any changes to the zone boundaries would still place the building in Compatibility Zone B1 and the criteria for that zone would apply. While our understanding of the proposed use of the new building is that it would be low-intensity, we have not done an evaluation of its consistency with the Compatibility Zone B1 intensity criteria. The project's compliance with one other criterion for this zone—"locate structures maximum distance from extended runway centerline"—could also be debated.

### 6. Updating the ALUCP

In theory, the ALUCP should have been updated as necessary at the time the new ALP was approved by City and the FAA. As is the case with ALUCs in many counties, however, funding for this task was undoubtedly lacking. The entire ALUCP really needs updating as it is over 20 years old and does not adhere to current Caltrans *Airport Land Use Planning Handbook* guidance or the procedures and criteria adopted by other ALUCs in recent years. We recognize, however, that such an endeavor is well beyond anything being contemplated by the County.

What could be done fairly economically, however, is to simply update the Ukiah Municipal Airport Compatibility Map found on page 3-15 of the ALUCP. If the focus of the update were to be limited just to the areas affected by the runway and RPZ changes and not get into issues of the criteria applied in the zones, this task should involve minimal effort. Some CEQA documentation would nonetheless be necessary, particularly if any locations would be affected by greater restrictions. If you would like, Mead & Hunt would be happy to work with you to define a scope and budget for an update of this type.