



Plumas County Airport Land Use Compatibility Plan for Nervino Airport at Beckwourth

This Airport Land Use Compatibility Plan (ALUCP) sets forth land use compatibility policies applicable to future land use and development at and in the vicinity of Nervino Airport, Beckwourth, CA, (the Airport).

- A. **THE AIRPORT LAND USE COMMISSION** - The Plumas County Airport Land Use Commission (ALUC) has been created by the Plumas County Board of Supervisors to carry out requirements of the State Aeronautics Act and the California Public Utilities Code pertaining to land use at and near Plumas County airports. The ALUC receives technical support from Plumas County, but it is an autonomous body and not part of any local governmental structure. Among the powers and duties of the ALUC under the statute are:

"To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity is not already devoted to incompatible uses."

"To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare."

The ALUC fulfills its statutory obligations by performing two primary functions:

1. **Prepare Airport Land Use Compatibility Plans** – The Commission is required to prepare and adopt an ALUCP for each of the airports within its jurisdiction. In the case of Plumas County, this requirement applies to three County-owned airports: Rogers Field Airport at Chester, Gansner Airport at Quincy, and Nervino Airport at Beckwourth, each of which will have its own ALUCP.
2. **Review and Approve or Disapprove Certain Plans, Actions, and Projects at or in the Vicinity of an Airport** – The particular Plans, Actions, and Projects subject to review and action or advisory opinion are specified in the ALUC Review section below.

In addition to the plans, actions, and projects for which ALUC review is mandatory, other actions or proposals may be referred to the ALUC by a County Agency or the party proposing such action or project for advisory review. Any recommendation or other statement made by the ALUC in response to a request for advisory review shall not be binding on any party involved, and shall not be cited as evidence for a decision one way or the other in any subsequent review and action.

B. SCOPE OF THE AIRPORT LAND USE COMPATIBILITY PLAN

1. **Purposes** - The purposes for which this ALUCP is prepared and adopted by the ALUC are:
 - a. To promote the safety and well being of the public by ensuring that proposed land uses in the vicinity of the airports are consistent with acceptable exposure of persons and property to hazards or other adverse effects associated with the operation of the Airport;
 - b. To provide policies, criteria, and information to assist the ALUC and local reviewing agencies in evaluating the compatibility of proposed land uses or other actions affecting land use, and in determining the consistency of the proposal with the ALUCP; and
 - c. To provide guidance to local agencies for determining which proposed uses or actions are to be referred to the ALUC for review.
2. **Authorities** - The ALUC intends that the ALUCP should conform, to the greatest extent possible, with the standards and recommendations set forth in the following documents, while also reflecting the unique setting and circumstances at the Airport:
 - a. The California Public Utilities Code, Section 21670 et seq.;
 - b. The *California Airport Land Use Planning Handbook*, January, 2002;
 - c. Federal Aviation Regulations (FAR), Part 77, *Objects Affecting Navigable Airspace*.

The ALUCP is also based in part on information contained in the *Plumas County Airport Master Plan, 1990-2010, Final Draft Report, June 1990*, and *Airport Layout Plan for Nervino Airport, 2008*.

The ALUC has no authority to require changes in pre-existing non-conforming uses.

The ALUC does not intend to review proposed uses or actions outside the Area of Influence defined below, except when such review and action or recommendation might be requested or required by a County Agency because of unusual circumstances.

- C. **CEQA CONSIDERATIONS** - The Airport Land Use Commission adopts this ALUCP as a Class 8 Categorical Exemption to the California Environmental Quality Act, since this adoption "...consists of actions taken by regulatory agencies, as authorized by the state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment."

This action is based on the findings of the ALUC that:

1. This ALUCP serves to protect the environment and is not a plan for development.
2. This ALUCP will not cause a reasonably foreseeable change in the environment.

D. **AIRPORT INFLUENCE AREA** - The Airport Influence Area (AIA) is the geographic area within which proposed land uses and other actions affecting land use will be subject to the review and action processes established by this ALUCP. As noted above, special circumstances may require review and action or recommendation for land uses outside the AIA.

The ALUC designates the AIA for Nervino Airport as follows:

1. The layout and dimensions of the various components of the AIA are in general as follows.
 - a. The AIA for Zone 1, the Runway Protection Zone (RPZ), shall be the same as that designated in the Airport Layout Plan (ALP) adopted by the Plumas County Board of Supervisors for Beckwourth-Nervino Airport.
 - b. The AIA for Zones 2-6 shall be as shown in Example 2, "Medium General Aviation Runway", Figure 9-K, page 9-38, of the California Airport Land Use Planning Handbook, January, 2002 (Handbook). A copy of which is provided in Appendix A.
2. The AIA is defined as the total of the following:
 - a. The area within Zone 6;
 - b. The areas that are subject to height restrictions by the Approach Surfaces and Transition Surfaces specified in FAR Part 77, and the Safety Clearance Surfaces defined by the ALUC below.
3. For purposes of defining the AIA and the various Zones within it, the easterly end of Runway 07/25 is assumed to extend 1,350 feet beyond its current length, because that extension is contemplated in the Airport Capital Improvement Program. The current runway with the 1,350-foot extension added is referred to in the ALUCP as the "Reference Runway."
4. Zone 3 at the easterly end of the runway is established for both the existing runway and the Reference Runway, both of these Zones 3 to be in effect until such time as the runway is extended, after which time only Zone 3 for the runway as actually extended is to remain in effect.

A map of the AIA, the Safety Compatibility Zones (Zones 1 through 6), and the Safety Clearance Surfaces is provided in Appendix B. A map of the Part 77 surfaces is provided in Appendix C.

E. **ALUC REVIEW**

1. **Policies and Procedures** – ALUC Policies and Procedures for mandatory and advisory review and action are stated in the “Plumas County Airport Land Use Commission Policies, Rules, and Regulations” document adopted by the Commission separately and copied here as attachment 1 for information but not as part of the ALUCP. The amendment of such Rules, Policies, and Procedures does not constitute the amendment of an Airport Land Use Plan.
2. **Construction Plans for New Airports** – No application for the construction of a new airport within Plumas County may be submitted to any local, state, regional, or federal agency unless that plan has been submitted to the ALUC for determination of its compatibility with existing and potential land uses in the vicinity. The Area of Influence initially shall be the area within 2-mile radius around the proposed airport site, which area may be re-defined by the ALUC during its review of the proposal.
3. **Airport Expansions** – No application for the expansion of the Airport which entails an amendment of the Airport Permit may be submitted to any local, state, regional, or federal agency unless that plan has been submitted to and approved by the ALUC.

Airport expansion is defined to include:

- a. construction of any new runway
 - b. extension or realignment of an existing runway
 - c. acquisition of runway protection zones or any interest in land for the purposes above
4. **Airport Master Plans, Airport Layout Plans, and Capital Improvement Plans** – Plumas County or any succeeding owner of the Airport shall, prior to modification of an Airport Master Plan, Airport Layout Plan, or Capital Improvement Plan, refer such proposed changes to the ALUC for evaluation of the effects on existing and potential land uses in the vicinity, and decision on whether such effects are acceptable.
 5. **Actions by Referring Agencies** – The County of Plumas, prior to enacting ordinances and actions that affect land uses within the Area of Influence, or that may affect the viability of the Airport or the compatibility of the Airport with surrounding land uses, must refer such actions to the ALUC for evaluation of the effects on existing and potential land uses in the vicinity.

County actions that would trigger such a referral include:

- a. general plans and general plan amendments;
- b. specific plans and specific plan amendments;
- c. amendments to zoning or land use control ordinances;
- d. building regulations and modifications thereof .

The ALUC may approve, disapprove, or recommend changes to the referred actions.

6. **Individual Development Projects.** – Except when a referring Agency believes special circumstances require ALUC review of a project outside the AIA, only new projects that affect land use within or partially within the AIA are normally subject to review. Individual development projects include all development or construction for which the County requires a building permit, a use permit, a zoning variance, or other action that would cause or permit an immediate or foreseeable change in land use that might be inconsistent with compatibility criteria established by the ALUCP.

As noted under “Existing Land Use” below, normally a pre-existing land use is not subject to review, but may become subject to review if a building footprint or its intensity of public use would be increased ten percent or more by a proposed action or development that would require review if it were an entirely new action or development.

In reviewing individual projects, the ALUC shall give first priority to safety and second priority to noise. Additional factors may be considered, but with lower priority than safety and noise.

In reviewing individual projects, the ALUC shall be guided by:

- a. The Safety Compatibility Zones described above under AIRPORT INFLUENCE AREA.
- b. The Basic Safety Compatibility Qualities listed for the various Zones in Table 9B, pages 9-44 and 9-45 of the Handbook, copies of which are provided in Appendix A, as modified in the Safety section below.
- c. The Community Noise Equivalent Level (CNEL) contours shown for Nervino Airport in the Draft Plumas County Airport Master Plan, 1991-2010, or in any subsequent Airport Layout Plan or Airport Master Plan adopted by Plumas County..
- d. The obstruction clearance surfaces described in FAR Part 77.25 and shown in Appendix C of this Plan, which shall not be

penetrated by any structure subject to ALUC review unless such penetration is approved by the Federal Aviation Agency.

7. **Safety** - The decision criteria established in Table 9B of the Handbook are the primary considerations for safety, and are generally characterized by four labels:

Allow – Use is acceptable.

Limit – Use is acceptable only if density/intensity restrictions are met.

Avoid – Use generally should not be permitted unless no feasible alternative is available.

Prohibit – Use should not be permitted under any circumstances.

In general, when a proposed land use or action is “allowed” by its characteristics and its location in a particular Zone, that proposed use or action need not be referred to the Commission for review.

Uses that are to be “limited,” “avoided,” or “prohibited” must be submitted to the Commission for review and action.

Where residential uses would be “limited” by the criteria stated in Handbook Tables 9B and 9C, the following density limits shall apply within Safety Compatibility Zones 2 through 5:

- a. Infill is allowed to the extent of one dwelling unit (D.U.) is allowed on any parcel in existence on the date of original adoption of this ALUCP, provided the development rights of that parcel have not been transferred, as provided below, in a way that would not permit the development.
- b. For parcels created after the date of original adoption of this ALUCP by lot split or subdivision, no more than one D.U. per 2 acres is allowed. For purposes of providing the minimum 2 acres for a D.U., a parcel may include the development rights of other buildable areas within Zones 2 through 5 for the same runway, the development rights of such areas having been transferred by recorded deeds of both originating and receiving parcels. Any parcel from which such development rights have been transferred shall have the transferred area subtracted from its remaining development rights. If a D.U. already exists on an originating parcel, the unencumbered development rights of that parcel shall not be reduced below 2 acres. A parcel not containing a D.U. may have its remaining development rights reduced below 2 acres, but in such case no D.U. may be constructed on that parcel unless a

transfer of development rights from other parcels brings the total to 2 acres or more.

In areas outside the AIA, or within the AIA where there is uncertainty about which decision criteria apply, the proposed use or action should be referred to the Commission for review and action or recommendation.

The ALUC is not required to consider only the factors listed in Table 9B, or reach only one of the four listed decisions, and it can add conditions or require mitigations as part of any decision it reaches. However, if the decision is not fully consistent with the guidance provided by the Handbook, the Commission is required to state its reasons for deciding otherwise.

8. **Noise** - The upper limit of generally acceptable Community Noise Equivalent Level is 60 decibels (db) at the site potentially affected. According to analysis presented in the 1990 Draft Airport Master Plan, the area subject to 60 db CNEL generally stays within the airport boundaries or slightly beyond the runway ends for current and projected takeoff and landing operations at Nervino Airport. Therefore, noise is very unlikely to be the basis for restriction of land use development at or near the airport. On the other hand, it would be a useful service to the sponsors of individual developments if the County routinely informed an applicant about potential safety and/or noise problems, whenever a project is within the AIA, whether or not the project might be subject to review. A diagram of CNEL levels is provided as Appendix E.
9. **Overflights** - Because there are no designated Airways or established routes that would cause overflights to be significant noise problems or safety hazards related to land use in Plumas County, the ALUC determines that the ALUCP cannot meaningfully deal with overflights as a safety or noise issue.

F. LIMITATIONS ON ALUC AUTHORITY

1. **Existing Land Use** - The ALUCP applies only to new development, and the ALUC has no authority over unchanged pre-existing land uses, whether or not such uses are compatible with the ALUCP.

However, a proposed action or development does become subject to review, as if there were no pre-existing use, whenever the proposed action or development would increase a building's footprint, volume, or intensity of public use at the site, by ten percent or more.

2. **Airport Operations** - Except for its authority to review airport master plans or modifications thereof, applications for airport expansion, and construction plans for new airports, the ALUC shall have no jurisdiction over the normal operation of an Airport.

G. **AIRPORT INFORMATION** - The ALUCP is based on the following airport information, taken primarily from the 1990 Draft Airport Master Plan:

1. Nervino Airport has one runway, 07/25, paved and currently 4,650 feet long and 75 feet wide. The elevation of the airport reference point is 4,900 feet above mean sea level (msl). The elevations at runway ends are 4,899 feet msl at the westerly end, and 4,891 feet msl at the easterly end. Based on runway length, terrain, and current use, the airport is classified as Basic Utility Stage 1. The elevation at the easterly end of the Reference Runway (which is 1,350 feet longer than the existing runway) would be 4,890 feet msl.
2. If the runway were lengthened by 1,350 feet, the airport could potentially qualify for Basic Utility Stage 2 classification, but that would not have significant effect on the ALUCP.
3. A non-precision instrument approaches has been implemented for runway 25, so Approach and Obstruction Clearance surfaces are based on a 34 to 1 slope at the easterly end, and a 20 to 1 slope at the westerly end of the runway.

H. **EFFECT OF FEDERAL AIR REGULATION PART 77** - Part 77 deals with "Objects Affecting Navigable Airspace." In general it creates two potential obligations for the "sponsor" of a proposed structure or alteration of sufficient height that it might be an obstruction to air navigation. First, it establishes a rather broad requirement for the sponsor to report certain information directly to the FAA about a proposed structure or alteration that might affect navigable airspace, such report to be on a prescribed form within a specified time. Second, the sponsor might be required to apply special marking or lighting to a structure, or a different mitigation or other corrective measure, if the FAA determines that the proposed structure or alteration would actually be an obstruction to air navigation.

FAR Part 77 is a Federal regulation that gives the ALUC no direct role in its administration or enforcement. However, in response to Handbook guidance the ALUC does undertake to provide:

1. Reminders to all interested parties of their obligation to report certain information directly to the FAA when a proposed structure requires such report under Part 77 rules.
2. Descriptions and maps from which an interested party could make a preliminary estimate as to whether the heights of a structure might cause it to be an obstruction according to Part 77 criteria; and.
3. Allowable heights, adopted by the ALUC and incorporated in the ALUCP, of structures within Safety Compatibility Zones 1 through 5, which are intended to avoid the creation of safety problems related to either the Part 77 Standards or the ALUCP criteria.

- I. **HEIGHT RESTRICTIONS IN SAFETY COMPATIBILITY ZONES** - In order to promote safety and assure that FAR Part 77 standards are observed in the areas most critical for approach and departure safety, the ALUC defines and establishes Safety Clearance Surfaces (SCS) alongside the Part 77 Approach Surfaces, extending laterally to cover the area of Safety Compatibility Zones 1 through 5. The SCS surfaces shall originate at the ends and sides of the Primary Surface and extend upward and outward at a slope of 34 to 1 at the easterly end of the runway within Zones 1 through 5, and at a slope of 20 to 1 at the westerly end of the runway within Zones 1 through 5. The penetration of a structure above the Part 77 Approach Surface shall normally be considered "Prohibited." The penetration of a structure above the SCS but outside the Part 77 Approach Surface shall be "Avoided."
- J. **COMPATIBILITY POLICIES AND CRITERIA** - The ALUC adopts Table 9 B, "Basic Safety Compatibility Qualities," pages 9-44 and 9-45 of the Handbook (reproduced as Appendix A, attached), as its Compatibility Policy. The ALUC adopts the "Definitions" listed in Table 9 B, the prohibition of structures that would penetrate the Part 77 Approach Surfaces, and the avoidance of structures that would penetrate the Safety Compatibility Surfaces defined above, as the Commission's basic Criteria for compatibility decisions. As stated earlier, noise compatibility is not expected to be an issue where safety is not already the controlling factor, but if such case should arise the ALUC policy shall be to attempt to assure a CNEL not exceeding 60 db at the site of the proposed development. These basic criteria may be adjusted or changed in light of specific circumstances of a particular proposed action or project, but only when such adjustments or changes are fully explained in a written decision by the ALUC.

Appendices and Attachments to the Plumas County Airport Land Use Compatibility Plan for Nervino Airport at Beckwourth.

1. **Appendix A.** Excerpts from the *California Airport Land Use Handbook*.
2. **Appendix B.** Map of the Airport Influence Area, with Safety Compatibility Zones 1 through 6.
3. **Appendix C.** Map of FAR Part 77 obstruction clearance surfaces pertaining to Nervino Airport.
4. **Appendix D.** Reminder Regarding Obligations and Standards Related to Part 77. Paraphrasing the regulation, Part 77 requires the sponsor of a project to report directly to the FAA, on a specified form within specified time limits, certain information regarding:
 - a. Any construction or alteration on the airport;

- b. Any construction or alteration that extends more than 200 feet above the ground level at its site, no matter what its distance from the airport; and
- c. Any construction or alteration of greater height than an imaginary surface extending out ward and upward at a slope of 100 to 1 (i.e. 1 ft vertical for every 100 ft horizontal) for a horizontal distance of 20,000 feet from the nearest point on the nearest runway.

There are exceptions to the above requirement, the main one of which that could apply in the vicinity of this Airport is that the following need not be reported:

“...Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.”

Note that the sponsor of the object is the one who is expected to determine that the object in question qualifies for the exception and therefore the report does not have to be made.

Note also the “and” after the first comma in the exception, which seems to cancel the exception unless the structure is in a “congested” area of town, not in the open countryside.

All in all it seems wise in most cases to make the report and let the FAA determine whether an obstruction exists.

The above information is provided as a service to the sponsors of developments that might be affected. Before taking action, a sponsor should verify any statement in this section by examining the full text of FAR Part 77 and/or consulting FAA.

- 5. **Appendix E.** Diagram of Community Noise Equivalent Levels.
- 6. **Attachment 1.** Copy of the Plumas Airport Land Use Commission Policies, Rules, and Regulations. This is provided for the convenience of applicants, but is a separate document, not part of the Airport Land Use Compatibility Plan.