
2

Countywide Policies

1. GENERAL APPLICABILITY

1.1. Purpose

The purpose of this *Siskiyou County Airport Land Use Compatibility Plan* is to establish procedures and criteria by which, in accordance with the California State Aeronautics Act:

1.1.1. *Siskiyou County Airport Land Use Commission (ALUC)* — The ALUC:

- (a) Shall review proposed land use development in Siskiyou County for compatibility with airport activity.
- (b) Shall review certain types of airport development proposals which are also subject to ALUC review and are addressed by the *Plan*.

1.1.2. *County of Siskiyou and Affected Cities in the County* — The county and cities:

- (a) Shall refer specified land use proposals to the ALUC for review.
- (b) Shall each make their *General Plan* and zoning ordinance consistent with the Commission's *Compatibility Plan*.
- (c) Can make other planning decisions regarding the lands impacted by airport operations.

1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document (additional terms are defined in the *Glossary*):

- 1.2.1. *Aeronautics Act* — Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.
- 1.2.2. *Airport* — The Butte Valley Airport, Dunsmuir Municipal – Mott Airport, Happy Camp Airport, Montague-Yreka Rohrer Field, Scott Valley Airport, Siskiyou County Airport, Weed Airport, or any other new public-use airport which might be created within the boundaries of Siskiyou County.
- 1.2.3. *Airport Influence Area* — An area, as delineated herein, which is routinely affected by aircraft operations at an airport and within which certain land use actions are subject to ALUC review.
- 1.2.4. *Airport Land Use Commission (ALUC)* — The Siskiyou County Airport Land Use Commission.
- 1.2.5. *Avigation Easement* — An easement which conveys rights associated with aircraft overflight of a property, usually including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)
- 1.2.6. *Aviation-Related Use* — Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administration, together with aircraft aprons, hangars, fixed base operations, terminal buildings, etc.
- 1.2.7. *Community Noise Equivalent Level (CNEL)* — The noise metric adopted by the state of California for evaluating airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 1.2.8. *Compatibility Plan* — This document, the *Siskiyou County Airport Land Use Compatibility Plan*.
- 1.2.9. *Compatibility Zone* — Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.
- 1.2.10. *Existing Land Use* — A land use which either physically exists or for which local government commitments along with substantial construction investment by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually

be considered firm once a vesting tentative map has been approved or all discretionary approvals have been made.

- 1.2.11. *Federal Aviation Regulations (FAR) Part 77* — The part of Federal Aviation Regulations which deals with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.
- 1.2.12. *Height Review Overlay Zone* — Areas of land in the vicinity of an airport where the ground lies above an FAR 77 surface or less than 35 feet beneath such surface.
- 1.2.13. *Heliport* — A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded.
- 1.2.14. *Infill* — Development of vacant or underutilized land within areas which are already largely developed or are used more intensively. See Policy 2.4.4.(a) for criteria used to identify infill areas for the purposes of the *Compatibility Plan*.
- 1.2.15. *Local Jurisdiction* — The county of Siskiyou or any city or other government agency (except agencies of the state or federal government) having jurisdiction over land uses within their boundaries.
- 1.2.16. *Major Land Use Action* — Actions related to proposed land uses for which compatibility with airport activity is a particular concern, but for which ALUC review is not always mandatory under state law. These types of actions are listed in Policy 1.5.3.
- 1.2.17. *Nonconforming Use* — In general, a land use, parcel, or building which does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted. For the purposes of this *Compatibility Plan*, a nonconforming use is one which exists (see definition of "existing land use" in Policy 1.2.10) as of the plan's adoption date, but which does not conform with the compatibility criteria set forth herein.
- 1.2.18. *Project; Land Use Action; Development Proposal* — Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to the provisions of this *Compatibility Plan*.

1.3. Geographic Scope

As established by the Siskiyou County Airport Land Use Commission, the geographic scope of the *Siskiyou County Airport Land Use Compatibility Plan* encompasses:

1.3.1. *Airport Influence Area*

(a) All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in Siskiyou County, as well as lands on which the uses could negatively affect these airports:

- (1) Butte Valley Airport.
- (2) Dunsmuir Municipal – Mott Airport.
- (3) Happy Camp Airport.
- (4) Montague-Yreka Rohrer Field.
- (5) Scott Valley Airport.
- (6) Siskiyou County Airport.
- (7) Weed Airport.

(b) The specific limits of the influence area for each airport are depicted on the respective *Compatibility Map* for that airport as presented in Chapter 3.

1.3.2. *Countywide Impacts on Flight Safety* — Other lands, regardless of their location in the county, on which certain land use characteristics could adversely affect the safety of flight in the county. The specific uses of concern are identified in Policy 1.5.3.(c).

1.3.3. *New Airports* — The site and environs of any new airport which may be proposed anywhere in the county.

1.3.4. *Heliports* — The site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) which may exist or be proposed anywhere within Siskiyou County, including incorporated cities.

1.4. Types of Airport Impacts

1.4.1. *Principal Compatibility Concerns* — The Commission is concerned only with the potential impacts related to:

- (a) Exposure to aircraft noise;

- (b) Land use safety with respect both to people on the ground and the occupants of aircraft;
- (c) Protection of airport airspace; and
- (d) General concerns related to aircraft overflights.

1.4.2. *Other Airport Impacts* — Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the Airport Land Use Commission.

1.5. Types of Actions Reviewed

- 1.5.1. *Actions Which Always Require ALUC Review* — As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's *Plan* prior to their approval by the local jurisdiction:
- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (State Aeronautics Act Section 21676(b)).
 - (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects property within an airport influence area, and (2) involves the types of airport impact concerns listed in Section 1.4 (State Aeronautics Act Section 21676(b)). Any proposed change or variance to any such ordinance or regulation also must be submitted for ALUC review if issues of noise, safety, airspace protection, and overflight as addressed herein are involved.
 - (c) Adoption or modification of the master plan for an existing public-use airport (State Aeronautics Act Section 21676(c)).
 - (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (State Aeronautics Act Section 21664.5).
 - (e) Any proposal for a new airport or heliport whether for public use or private use (State Aeronautics Act Section 21661.5) if the facility requires a state airport permit.
- 1.5.2. *Other Land Use Actions Subject to ALUC Review* — In addition to the above types of land use actions for which ALUC review is mandatory, other types of land use actions are subject to review under the following circumstances:
- (a) Until such time as (1) the Commission finds that a local agency's general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or

(2) the local agency has overruled the Commission's determination of inconsistency, state law requires the local agency to refer all actions, regulations, and permits involving land within an airport influence area to the Commission for review (State Aeronautics Act Section 21676.5(a)). Only those actions which the ALUC elects not to review are exempt from this requirement. Commission policy is that only the *major land use actions* listed in Policy 1.5.3 shall be submitted for review.

- (b) After a local agency has revised its general plan or specific plan for consistency with the *Compatibility Plan* (see Policy 2.4.3) or has overruled the Commission, the Commission no longer has authority under state law to require that all actions, regulations, and permits be referred for review. However, the commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity.
 - (1) The Commission requests local agencies to continue to submit *major land use actions* as listed in Policy 1.5.3.
 - (2) Review of these actions is requested only if a review has not previously been conducted as part of a general plan, specific plan, or zoning ordinance action or if sufficient project-level detail to enable a full assessment of compatibility was not available at the time of a previous review.
 - (3) Because the ALUC is acting in an advisory capacity when reviewing projects under these circumstances, local jurisdictions are not required to adhere to the override process if they elect to approve a project without incorporating design changes or conditions suggested by the Commission.
- (c) Proposed redevelopment of a property for which the existing use is consistent with the local general plan and/or specific plan, but nonconforming with the compatibility criteria set forth in this plan, shall be subject to ALUC review. (Also see Policies 2.4.3, 2.4.4.(b), and 2.4.4.(c).)
- (d) Proposed land use actions covered by Paragraphs (a), (b), and (c) above shall initially be reviewed by the ALUC Secretary. If the Secretary determines that significant compatibility issues are evident, the proposal shall be forwarded to the Commission for review and decision. The Commission authorizes the Secretary to approve proposed actions having no apparent compatibility issues of significance.

1.5.3. *Major Land Use Actions* — The scope or character of certain proposed land use actions is such that compatibility with airport activity is a particular concern. These *major land use actions* are as follows:

- (a) Actions affecting land uses within an airport influence area.

- (1) Any proposed expansion of the sphere of influence of a city or special district.
 - (2) Proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
 - (3) Any development proposal for projects having a valuation greater than \$1,000,000 unless only ministerial approval (e.g., a building permit) is required.
 - (4) Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas.
 - (5) Proposed land acquisition by a government entity for the purpose of developing a school or hospital.
 - (6) Any nonaviation use of land within *Compatibility Zone A* as defined herein.
 - (7) Proposals for new development (including buildings, antennas, and other structures) more than 35 feet tall located within *Compatibility Zone B*, more than 50 feet tall located within *Zone C1* or *Zone C2*, or more than 150 feet tall located within *Zone D*.
 - (8) Any development proposed within a *Height Review Overlay Zone*.
 - (9) Any obstruction reviewed by the Federal Aviation Administration in accordance with Part 77 of the Federal Aviation Regulations which receives a finding of anything other than "not a hazard to air navigation."
 - (10) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - ▶ Electrical interference with radio communications or navigational signals;
 - ▶ Lighting which could be mistaken for airport lighting;
 - ▶ Glare in the eyes of pilots of aircraft using the airport; and
 - ▶ Impaired visibility near the airport.
 - (11) Projects having the potential to attract birds to the vicinity of an airport.
- (b) Proposed nonaviation development of airport property, if such development has not previously been included in an airport master plan or community general plan reviewed by the Commission. (See Policy 1.2.6 for definition of aviation-related use.)
 - (c) Regardless of location within Siskiyou County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. (Such structures also require notification to the Federal Aviation Administration in accordance with Federal Aviation Regulations, Part 77, Paragraph 77.13(a)(1).)

- (d) Any other proposed land use action, as determined by the local planning agency, involving a question of compatibility with airport activities.

2. REVIEW OF LAND USE ACTIONS

2.1. General

- 2.1.1. *Timing of Project Submittal* — Proposed actions listed in Section 1.5 must be submitted to the Commission for review prior to approval by the local government entity. All projects should be referred to the Commission at the earliest reasonable point in time so that the Commission's (or ALUC Secretary's) review can be duly considered by the local jurisdiction prior to formalizing its actions. At the local agency's discretion, submittal of a project for Airport Land Use Commission review can be done before, after, or concurrently with review by the local planning commission or other local advisory bodies. This discretion gives the local agency the ability to obtain the ALUC review at the most effective point in the review process. The timing may vary depending upon the nature of the specific project.
- 2.1.2. *Public Input* — Where applicable, the Commission shall provide public notice and obtain public input in accordance with the State Aeronautics Act (Public Utilities Code Section 21675.2(d)) and general plan law (Government Code Section 65090) before acting on any plan, regulation, or other land use proposal under consideration.

2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.1. *Initial ALUC Review of General Plan Consistency* — In conjunction with adoption of this *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission's policies.
 - (a) Within 180 days of the Commission's adoption or amendment of the *Airport Land Use Compatibility Plan*, each local agency must amend its general plan and any applicable specific plan to be consistent with the Commission's *Plan* or, alternatively, adopt findings and override the Commission in accordance with Section 21676(b) of the Public Utilities Code (Government Code Section 65302.3).

- (b) To facilitate this process, the local agency should submit a draft of the proposed amendment to the Commission for comment prior to taking action on the proposal.
 - (c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC, a local agency may request that the Commission modify the areas defined as "infill" in accordance with Policy 2.4.4.(a). The Commission will include a determination on the infill as part of its action on the consistency of the general and specific plans.
- 2.2.2. *Subsequent Reviews of Community Land Use Plans and Ordinances* — As indicated in Policy 1.5.1.(a) and 1.5.1.(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined herein, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review. Subsequent land use development which is consistent with applicable, previously reviewed, local plans, ordinances, and regulations is subject to Commission review only under the conditions indicated in Policies 1.5.2 and 2.3.5.
- 2.2.3. *Commission Action Choices* — When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the Airport Land Use Commission has three choices of action:
- (a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*.
 - (b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*, subject to conditions and/or modifications which the Commission may require.
 - (c) Find the plan, ordinance, or regulation inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note specific conflicts upon which its determination is based.
- 2.2.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).
- (a) The date of referral is deemed to be the date on which all applicable project submittal information as listed in Policy 2.3.1 is received by the Commission Secretary.
 - (b) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.

- (c) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.
- (d) The referring agency shall be notified of the Commission's action in writing.

2.3. Review Process for Major Land Use Actions

2.3.1. *Project Submittal Information* — A proposed major land use action submitted to the Commission (or to the ALUC Secretary) for review shall include the following information:

- (a) Property location data (assessor's parcel number, street address, subdivision lot number).
- (b) An accurately scaled map showing the relationship of the project site to the airport boundary and runways.
- (c) A description of existing and proposed land uses.
- (d) The type of land use action being sought from the local jurisdiction (e.g., zoning change, building permit, etc.).
- (e) For residential uses, an indication of the potential or proposed number of dwelling units per acre (including any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
- (f) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.
- (g) Identification of any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (h) An environmental document, if one has been prepared and it addresses airport compatibility issues.
- (i) Other relevant information which the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.

2.3.2. *ALUC Secretary's Choices* — When reviewing major land use actions in accordance with Policy 1.5.2.(d), the ALUC Secretary has two choices of action:

- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. The Secretary is authorized to approve such projects on behalf of the Commission.

- (b) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Secretary shall forward any such project to the Commission for a consistency determination.

2.3.3. *Commission Action Choices* — When reviewing a major land use project proposal, the Airport Land Use Commission has three choices of action:

- (a) Find the project consistent with the *Compatibility Plan*.
- (b) Find the project consistent with the *Compatibility Plan*, subject to compliance with such conditions as the Commission may specify. Any such conditions should be limited in scope and described in a manner which allows compliance to be clearly assessed (e.g., the height of a structure).
- (c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission shall note the specific conflicts upon which its determination is based.

2.3.4. *Response Time* — State law does not set a time limit for airport land use commissions to review land use actions other than amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation. Nevertheless, the policy of the Siskiyou County Airport Land Use Commission is that:

- (a) Reviews by the ALUC Secretary shall be completed within 14 days of when the project is submitted, provided that all information necessary for review of the project (as listed in Policy 2.3.1) accompanies the referral.
- (b) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date the project is submitted.
- (c) If the ALUC Secretary or the Commission fail to make a determination within the above time periods, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (d) Regardless of action or failure to act on the part of the ALUC Secretary or the Commission, the proposed action still must comply with other applicable local, state, and federal regulations and laws.
- (e) The referring agency shall be notified of the ALUC Secretary's and/or the Commission's action in writing.

2.3.5. *Subsequent Review* — Once a project has been found consistent with the *Compatibility Plan*, it need not be referred for review at subsequent stages of the planning process (e.g., for a use permit after a zoning change has been reviewed) unless:

- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g., the site layout and structure height might not be known at the time a general plan change or zoning amendment is requested).
- (b) The design of the project subsequently changes in a manner which could raise questions of adherence to compatibility criteria.
- (c) The local jurisdiction concludes that further review is warranted.

2.4. Review Criteria for Land Use Actions

- 2.4.1. *Primary Land Use Compatibility Criteria* — The primary criteria for assessing whether a land use plan, ordinance, or development proposal is to be judged compatible with a nearby airport are set forth in the Primary Compatibility Criteria matrix, Table 2A. These criteria are to be used in conjunction with the compatibility map and policies for each airport as presented in Chapter 3. Additional factors pertaining to the review of general plans as described in Policy 2.4.3, as well as the special conditions cited in Policy 2.4.4, shall also be taken into account.
- 2.4.2. *Function of Supporting Criteria* — The Primary Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Section 1.4. For the purposes of reviewing proposed amendments to community land use plans and zoning ordinances, as well as in the review of most individual development proposals, the criteria in the matrix are anticipated to suffice. However, certain complex land use actions may require more intensive review. The Commission may refer to these supporting criteria, as listed in Section 4, to clarify or supplement its review of such actions.
- 2.4.3. *General Plan Consistency with Compatibility Plan* — In order for a general plan to be considered consistent with the *Compatibility Plan*, both of the following must be accomplished:
 - (a) No direct conflicts can exist between the two plans.
 - (1) Direct conflicts primarily involve general plan land use designations which do not meet the density or intensity criteria specified in the *Compatibility Plan* although conflicts with regard to other policies also may exist.
 - (2) Note, however, that a general plan cannot be found inconsistent with the *Compatibility Plan* because of land use designations which reflect existing land uses even if those designations conflict with the ALUC's compatibility criteria. Because ALUCS have no authority over existing

land uses, general plan land use designations which merely reflect the existing uses for such parcels are, in effect, excluded from requirements for general plan consistency with the ALUC plan. This exception is applicable only if the general plan includes policies setting limitations on expansion and reconstruction of nonconforming uses consistent with Policies 2.4.4.(b) and 2.4.4.(c).

- (b) Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the *Compatibility Plan*.
- (1) Even if the land use designations in a general plan have been deemed consistent with the *Compatibility Plan*, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
 - (2) Local jurisdictions have the following choices, or a combination thereof, for satisfying this evaluation requirement:
 - ▶ The general plan and/or referenced implementing ordinances and regulations must contain sufficient detail to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the *Compatibility Plan* (this requires both that the compatibility criteria be identified and that project review procedures be described);
 - ▶ The *Compatibility Plan* must be adopted by reference (additionally, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or
 - ▶ The general plan must indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.
 - (3) The status of ALUC review of major land use actions depends upon which of the preceding options the local agency selects for making its general plan consistent with the *Compatibility Plan*. This status, in turn, affects whether a local agency would be required to utilize the override process in the event of a disagreement with the ALUC's action.
 - ▶ If either of the first two options under Sub-policy (2) is selected, then referral of major land use actions to the ALUC is voluntary. In this case, the Commission's review is advisory and the local agency would not need to utilize the override process if it elects to approve a project without incorporating the Commission's comments.
 - ▶ If the third option is chosen, submittal of major land use actions for ALUC review is mandatory and override procedures would apply.

Zone	Location	Maximum Densities		Additional Criteria	
		Residential (du/ac) ¹	Other Uses (people/ac) ²	Prohibited Uses ³	Other Development Conditions ⁴
A	Runway Protection Zone or within Bldg. Restriction Line	0	10	<ul style="list-style-type: none"> ▶ All structures except ones with location set by aeronautical function ▶ Assemblages of people ▶ Objects exceeding FAR Part 77 height limits ▶ Aboveground bulk storage of hazardous materials ▶ Hazards to flight⁵ 	<ul style="list-style-type: none"> ▶ Avigation easement dedication
B	Approach/Departure Zone and Adjacent to Runway	0.2 (5-acre parcel)	25	<ul style="list-style-type: none"> ▶ Children's schools,⁶ day care centers,⁷ libraries ▶ Hospitals, nursing homes ▶ Highly noise-sensitive uses (e.g. outdoor theaters) ▶ Aboveground bulk storage of hazardous materials⁸ ▶ Hazards to flight⁵ 	<ul style="list-style-type: none"> ▶ Locate structures maximum distance from extended runway centerline ▶ Airspace review required for all objects⁹ ▶ Avigation easement dedication
C1	Common Traffic Pattern (rural areas)	0.4 (2½-acre parcel)	75	<ul style="list-style-type: none"> ▶ Children's schools,⁶ day care centers,⁷ libraries ▶ Hospitals, nursing homes ▶ Hazards to flight⁵ 	<ul style="list-style-type: none"> ▶ Deed notice required ▶ Airspace review required for objects >50 feet tall
C2	Common Traffic Pattern (existing urbanized areas near low-activity airports)	5	75	<ul style="list-style-type: none"> ▶ Hazards to flight⁵ 	<ul style="list-style-type: none"> ▶ Avoid children's schools, day care centers, libraries, hospitals, nursing homes in areas closest to extended runway centerline ▶ Airspace review required for objects >50 feet tall
D	Other Airport Environs	No Limit	No Limit	<ul style="list-style-type: none"> ▶ Hazards to flight⁵ 	<ul style="list-style-type: none"> ▶ Airspace review required for objects >150 feet tall
*	Height Review Overlay	Same as Underlying Compatibility Zone		Same as Underlying Compatibility Zone	<ul style="list-style-type: none"> ▶ Airspace review required for all objects >35 feet tall⁹ ▶ Avigation easement dedication

Table 2A

Primary Compatibility Criteria
Siskiyou County Airport Land Use Compatibility Plan

NOTES:

- 1 Residential development should not contain more than the indicated number of dwelling units (both primary and secondary) per gross acre. With clustering, some parcels may be much smaller than others as long as the maximum overall density criterion is not exceeded. Clustering of units is encouraged.
- 2 The land use should not attract more than the indicated number of people per gross acre at any time, except rare special events. This figure should include all people who may be on the property (e.g., employees, customers/visitors, etc.) both indoors and outside. Rare special events are ones (such as an air show at an airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate. These criteria are intended as general planning guidelines to aid in determining the acceptability of proposed land uses.
- 3 The uses listed here are ones which are explicitly prohibited regardless of whether they meet the intensity criteria, unless such prohibition is precluded by applicable state statutes. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.
- 4 Airport proximity and the existence of aircraft overflights should be disclosed as part of all real estate transactions involving property within any of the airport influence area zones. Easement dedication and deed notice requirements apply only to new development.
- 5 Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development which may cause the attraction of birds to increase is also prohibited. See the supporting compatibility policies on airspace protection for details.
- 6 For the purposes of these criteria, children's schools include through grade 12.
- 7 Family day care homes (as defined by state law) are permitted in all Compatibility Zones except Zone A. Noncommercial day care centers ancillary to a place of business are permitted in Compatibility Zones B and C1 provided that the overall use of the property meets the indicated intensity criteria.
- 8 Storage of aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of nonaviation flammable materials are exempted from this criterion in *Zone B*.
- 9 Objects up to 35 feet in height are permitted; however, the Federal Aviation Administration may require marking and lighting of certain objects.

Siskiyou County Airport Land Use Compatibility Plan (Adopted July 10, 2001)

Table 2A, Continued

2.4.4. *Special Conditions*

- (a) *Infill* — Where substantial incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within *Zone A* or *Zone B*. Parcels can be considered for *infill* development if they meet *all* of the following criteria:
- (1) The parcel size is no larger than 20 acres.
 - (2) The site is at least 65% bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.
 - (3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
 - (4) Regardless of the surrounding uses, a proposed residential use shall not have a density more than double the density permitted in accordance with the Primary Compatibility Criteria (Table 2A). [For example, whereas the maximum residential density allowed in *Zone C1* is 0.4 dwelling units per acre (2½-acre parcel), the infill policy would allow up to 0.8 dwelling units per acre (1¼-acre parcel).]
 - (5) The proposed project will not otherwise increase the density and/or incompatibility of use through use permits, density transfers, or other strategy.
 - (6) The appropriateness of infill development for nonresidential uses shall be evaluated on a case-by-case basis. However, in no case shall the usage intensity (people per acre) of the proposed use exceed the average intensity of all existing uses which lie fully or partially within a distance of 300 feet from the boundary of the proposed development.
 - (7) The entity having land use authority (Siskiyou County or affected cities) has determined that substantial development already exists and has accordingly identified the infill areas in its general plan or other adopted planning document approved by the ALUC.
- (b) *Nonconforming Uses* — Land uses not in conformance with this *Compatibility Plan* may continue in use under the following conditions:
- (1) Continuation of the use must be permitted in accordance with applicable county or city zoning ordinances and building regulations.
 - (2) The cost of maintenance, repair, or replacement of a nonconforming use or structure conducted in any one year must not exceed 25% of the structure's assessed market value.
 - (3) A nonconforming use may be changed to another nonconforming use only if the new use does not involve expansion of the affected land

area, an increase in building size, or an increase in the intensity of usage (the number of people occupying the site or building).

- (4) Any use which has been discontinued for one year or more shall be deemed abandoned. Any subsequent reuse of the property must conform to the criteria of this plan.
- (c) *Reconstruction* — An existing nonconforming development which has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:
- (1) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
 - (2) A nonconforming nonresidential development may be rebuilt provided that:
 - ▶ The damage can be repaired at a cost of no more than 50% of the assessed market value of the structure; and
 - ▶ The reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre).
 - (3) Reconstruction under Paragraphs (1) or (2) above must begin within 12 months and be completed within 24 months of the date that the damage occurred. Upon request, the ALUC may grant an extension to these time limits.
 - (4) The above exceptions do not apply within Zone A or where such reconstruction would be in conflict with a county or city general plan or zoning ordinance.
 - (5) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.
- (d) *Development by Right* — Nothing in these policies prohibits construction of a single-family home (including a secondary dwelling unit) on a legal lot of record if such use is permitted by local land use regulations.
- (e) *Parcels Lying within Two or More Compatibility Zones* — For the purposes of evaluating consistency with the compatibility criteria set forth herein:
- (1) Any parcel which is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion even if the resulting development in the latter area then exceeds the criteria for that compatibility zone.

- (2) Transfer of development as described above is also allowed with respect to multiple parcels proposed to be developed as a single project.
- (f) *Other Special Conditions* — The compatibility criteria set forth in this *Plan* are intended to be applicable to all locations within each airport's influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.
- (1) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
 - (2) In reaching such a decision, the Commission shall make specific findings as to why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances which warrant the policy exception.
 - (3) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
 - (4) Special conditions which warrant general application in all or part of the influence area of one airport, but not at other airports, are set forth in Chapter 3 of this *Compatibility Plan*.

3. REVIEW OF AIRPORT MASTER PLANS AND DEVELOPMENT PLANS

3.1. Review Process

- 3.1.1. *Project Submittal Information* — An airport master plan or development plan submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available. At a minimum, information to be submitted shall include:
 - (a) A layout plan drawing of the proposed facility showing the location of: (1) property boundaries; (2) runways or helicopter takeoff and landing areas; (3) runway or helipad protection zones; and (4) aircraft or helicopter approach/ departure flight routes.
 - (b) Airspace surfaces in accordance with Federal Aviation Regulations, Part 77.