

# SECTION 6

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## PROCEDURAL POLICIES

### 6.1 AIRPORT LAND USE COMMISSION: RESERVATION OF RIGHT OF REVIEW

In accordance with Public Utilities Code Section 21676(b), prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundaries established by this ALUC, the referring agency shall first refer the proposed local action to the ALUC. The ALUC shall make a finding, on these and other projects referred, of whether or not the amendment, ordinance, regulation, or project is consistent with the ALUP. All determinations of consistency or inconsistency shall be made by the ALUC acting in its official capacity, and no such decisions may be delegated to the staff of the ALUC nor to any referring agency, except through formal agreement.

A finding by the ALUC that any general plan or general plan amendment, specific plan or specific plan amendment, zoning ordinance, or building regulation is consistent with the ALUP does not constitute a finding that a subsequent version of the action which has been modified from the version submitted to the ALUC is consistent nor does it constitute a finding that any subsequent action on the part of the referring agency is consistent.

### 6.2 INFORMATION REQUIRED FOR ALUC REVIEW

Any referring agency submitting a proposed local action to the San Luis Obispo County ALUC for review shall furnish, with such submission, information as described in this section. Information provided to the ALUC must be clear and legible and must be in a format no larger than 8 1/2 inches by 11 inches. All maps submitted must, in addition, include a scale of distance and an indication of orientation relative to true or magnetic north.

#### **6.2.1 Information Required for Review of Proposed General Plan, General Plan Amendment, Specific Plan, Specific Plan Amendment, or Zoning Ordinance**

- a. Indication, in writing, that the proposed local action is referred to the ALUC for mandatory review, as required by the Public Utilities Code of the State of California.
- b. The full text of the proposed local action.
- c. The identities of all property owners within the land area encompassed by the local action, and, if any development or development application has been proposed to the referring

agency or is known by the referring agency to be in preparation in conjunction with the local action, the identities of the applicant or applicants and of the representative(s) thereof.

- d. A full description and map of the geographic area. The map and description must indicate:
  - i. the geographic area encompassed by the proposed local action;
  - ii. the assessor's parcel number of all properties affected by the proposed local action;
  - iii. the relationship of the land area encompassed by the proposed local action to the Airport;
  - iv. the relationship of the land area encompassed by the proposed local action to the airport land use zones as defined by the ALUP in force; and
  - v. the relationship of the land area encompassed by the proposed local action to the projected 55 dB CNEL airport noise, as defined by the ALUP.
- e. A full indication of permissible land uses, maximum land use density (persons/acre), maximum residential density (dwelling units/acre), and minimum open space specified by current statute and the proposed local action.
- f. An analysis of the maximum elevation of improvements (i.e., site elevation plus height of improvements) that would be permissible under the terms and conditions of the proposed local action, and of the relationship of the maximum allowable elevation of improvements to the applicable imaginary airport surfaces as defined in Federal Aviation Regulations Part 77 and the minimum instrument approach altitudes, as specified by the U. S. Standards for Terminal Instrument Procedures of any instrument approaches that entail overflight of the property affected.
- g. An analysis of the location and dimensions of existing potential emergency aircraft landing sites (as defined herein) and of those which would be preserved if development were to occur to the maximum extent permitted under the terms and conditions of the proposed local action.
- h. A copy of any environmental assessment, environmental impact statement, noise study, or other environmental evaluation prepared or required in conjunction with the proposed local action. When a proposed local action may permit development that will expose people to existing noise levels or projected noise levels under conditions of maximum build-out and/or airport operation at full capacity that exceeds acceptable limits, and when airport-related noise is contributory to such exposure, either as the sole noise source or as a component of a cumulative noise impact, a noise study shall be required for ALUC review of the proposed local action.
- i. A written assurance that an aviation easement in a form approved by either the City of Paso Robles or San Luis Obispo County, as appropriate, will be required.
- j. A copy of the required real estate disclosure document, together with a written assurance that:

- i. proof of such disclosure will be required as a condition for recording any sale or transfer of title of property within the Planning Area; and
- ii. any person renting, leasing, or otherwise providing for occupancy real property within the land area encompassed by the proposed local action shall provide to the occupant or potential occupant a copy of the required real estate disclosure document.

### **6.2.2 Information Required for Review of Proposed Building Regulation**

- a. Indication, in writing, that the proposed building regulation or modification is referred to the ALUC for mandatory review, as required by the Public Utilities Code of the State of California.
- b. The full text of the proposed building regulation.
- c. A full description of the anticipated effects of the proposed ordinance, regulation, or modification with respect to:
  - i. sound insulation properties of construction;
  - ii. lighting constraints and requirements;
  - iii. required structure separation and open space requirements;
  - iv. building height restrictions;
  - v. permissibility of above-ground utility wires or towers; and
  - vi. permissibility of above-ground storage of flammable materials.

### **6.2.3 Information Required for Review of Proposed Individual Project (voluntary review, see Table 7**

- a. Indication, in writing, that the proposed local action is referred to the ALUC for voluntary review and comment only.
- b. Site maps of the proposed local action.
- c. The identities of all property owners within the land area encompassed by the proposed local action, and, if any development or development application has been proposed to the referring agency or is known by the referring agency to be in preparation in conjunction with the local action, the identities of the applicant or applicants and of the representative(s) thereof.
- d. A full description and map of the geographic area. The map and description must indicate:
  - i. the geographic area encompassed by the proposed local action;
  - ii. the assessor's parcel number of all properties involved by the proposed local action;

**TABLE 7: INFORMATION REQUIRED FOR AIRPORT LAND USE COMMISSION REVIEW OF PROPOSED LOCAL ACTION**

	<b>GP</b>	<b>SP</b>	<b>ZO</b>	<b>BR</b>	<b>IP</b>
Indication (in writing) that the proposed local action is referred to the ALUC for mandatory review under the provisions of the State of California Public Utilities Code	Yes	Yes	Yes	Yes	No
Indication (in writing) that the proposed local action is referred to the ALUC for optional review and comment	No	No	No	No	Yes
Full text of the proposed referring agency action	Yes	Yes	Yes	Yes	N/A
Site map of the proposed local action	N/A	N/A	N/A	N/A	N/A
Map and verbal description including:					
The Paso Robles Municipal Airport	Yes	Yes	Yes	N/A	Yes
The Airport Land Use Zones, as defined by the current ALUP	Yes	Yes	Yes	N/A	Yes
The project 55 dB CNEL noise contour and the projected 60 dB CNEL noise contour, as defined by the current ALUP	Yes	Yes	Yes	N/A	Yes
The imaginary surfaces defined by FAR, Part 77	Yes	Yes	Yes	N/A	Yes
Planned/published instrument approaches and departures	Yes	Yes	Yes	N/A	Yes
Emergency aircraft landing sites currently existing within the area	Yes	Yes	Yes	N/A	Yes
A complete listing of land uses allowable under the current general plan, specific plan, or zoning ordinance	Yes	Yes	Yes	N/A	N/A
A complete listing of land uses allowable under the proposed general plan, specific plan, or zoning ordinance	Yes	Yes	Yes	N/A	N/A
A description of all land uses and land use densities proposed for the project site	N/A	N/A	N/A	N/A	Yes
Analysis of the maximum elevation of allowable or proposed improvements and relationship to the heights of FAR Part 77 surfaces and minimum allowable instrument approach altitudes	Yes	Yes	Yes	Yes	Yes
Plan for preservation of emergency landing sites for aircraft (for plans/projects greater than 11 acres)	Yes	Yes	Yes	N/A	Yes
Any/all environmental studies or noise studies prepared or required to be prepared in conjunction with the proposed local action	Yes	Yes	Yes	N/A	Yes
Assurance that aviation easement to be required	Yes	Yes	Yes	N/A	Yes
Copy of real estate disclosure document to be required	Yes	Yes	Yes	N/A	Yes

ABBREVIATIONS:      Yes – Information is required      No – Information is not required      N/A – Not applicable  
                             GP – General Plan or General Plan Amendment      SP – Special Plan or Special Plan Amendment  
                             ZO – Zoning ordinance      BR – Building regulation      IP – Individual Project

- iii. the relationship of the proposed local action to the Airport;
  - iv. the relationship of the proposed local action to the airport land use zones as defined by the ALUP in force; and
  - v. the relationship of the proposed local action to the projected 55 dB CNEL airport noise contour, as defined by the ALUP.
- e. A description of uses, land use densities, residential land use densities, and open space conservation proposed for the local action.
  - f. An analysis of the maximum elevation of improvements (i.e., site elevation plus height of improvements) that would be permissible under the terms and conditions of the proposed local action, and of the relationship of the maximum allowable elevation of improvements to the applicable imaginary airport surfaces as defined in Federal Aviation Regulations Part 77 and the minimum instrument approach altitudes, as specified by the U. S. Standards for Terminal Instrument Procedures of any instrument approaches that entail overflight of the property affected.
  - g. An analysis of the location and dimensions of existing potential emergency aircraft landing sites (as defined herein) and of those which would be preserved if development were to occur to the maximum extent permitted under the terms and conditions of the proposed local action.
  - h. A copy of any environmental assessment, environmental impact statement, noise study, or other environmental evaluation prepared or required in conjunction with the proposed local action. When a proposed local action may expose people to existing noise levels or projected noise levels under conditions of maximum build-out and/or airport operation at full capacity that exceeds acceptable limits, and when airport-related noise is contributory to such exposure, either as the sole noise source or as a component of a cumulative noise impact, a noise study shall be required for ALUC review of the proposed local action.
  - i. A written assurance that an aviation easement in a form approved by the City of Paso Robles will be required.
  - j. A copy of the required real estate disclosure document, together with a written assurance that:
    - i. proof of such disclosure will be required as a condition for recording any sale or transfer of title of property within the Planning Area; and
    - ii. any person renting, leasing, or otherwise providing for occupancy real property within the land area encompassed by the proposed local action shall provide to the occupant or potential occupant a copy of the required real estate disclosure document.

Failure to provide the ALUC with required information for any proposed local action shall constitute sufficient grounds for a determination of inconsistency.

### 6.3 TIMING OF ALUC REFERRALS

In order to avoid unnecessary delays in the overall processing of a plan or project, referral for review by the ALUC should, in general be made as soon as all of the requirements for review are met. This practice will allow the ALUC's review to be duly considered by the local jurisdiction prior to formalizing its action.

- a. For new general plans, specific plans, or zoning ordinances and for major modifications to existing general plans, specific plans, or zoning ordinances, it is strongly suggested that a preliminary review by the ALUC be completed prior to it being released for public comment and a formal review be completed prior to initial reading of the proposed local action by the referring agency.
- b. For minor modifications to existing general plans, specific plans, zoning ordinances, or building regulations and for voluntary reviews of individual projects, depending on the normal scheduling of meetings, it may be appropriate that review by the ALUC be carried out concurrently with review by the local planning commission and other advisory bodies.

In all instances, review by the ALUC must be accomplished before final action by the City Council or Board of Supervisors.

#### 6.4 TIMING OF ALUC REVIEW

The ALUC shall make a determination of consistency or inconsistency within sixty (60) days after the date on which all required information was received from the referring agency.

If the ALUC has not acted upon a referral within sixty (60) days after all information necessary for review of the proposed local action is received, and the proposed local action involves a general or specific plan, zoning ordinance, or building regulation, the proposed local action shall be deemed consistent with the ALUP.

If, at the time of initial receipt of a referral from a referring agency, the information required for ALUC review is incomplete, the ALUC or its staff shall notify the referring agency in writing within thirty (30) days, indicating the specific items which are incomplete. If, within an additional thirty (30) days following such written notification of incompleteness, the required information has not been received, the ALUC may make a finding that the referred local action is inconsistent with the ALUP based on failure of the referring agency to submit sufficient information for review.

#### 6.5 REFERRING AGENCY OPTIONS

If the ALUC determines that a proposed local action is inconsistent with the ALUP, the referring agency shall be notified and the governing body of the referring agency may, after a public hearing, overrule the ALUC if both of the following conditions are met:

- a. the governing body of the referring agency votes to overrule the ALUC's determination by at least a two-thirds vote of its members; and
- b. the governing body of the referring agency makes specific findings that the proposed local action is consistent with the purposes of Article 3.5 of the California Public Utilities Code, as stated in Section 21670, as follows:
  - i. to provide for the orderly development of the Airport as a public use airport and the area surrounding the Airport so as to promote the overall goals and objectives of the

California airport noise standards pursuant to Public Utilities Code Section 21669 and to prevent the creation of new noise and safety problems; and

- ii. to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.

Such findings may not be adopted as a matter of opinion, but must be supported by substantial evidence.

Should the ALUC determine that a general or specific plan has not been made consistent with the ALUP and when a referring agency has failed to override the ALUC by the above procedure, the ALUC may require that the referring agency submit all subsequent actions, regulations, and permits to the ALUC for review.

## 6.6 AMENDMENT OF THE ALUP

The ALUP shall be reviewed by the ALUC as often as is necessary to accomplish its purposes, and may be amended by the ALUC no more often than once in any calendar year.<sup>5</sup>

Within 45 days after the adoption of any amendment to the ALUP, the ALUC shall review the general and specific plans of all affected local agencies to determine whether they are consistent with the ALUP, as amended. If the plan or plans are found to be inconsistent, the referring agency shall be notified and that referring agency shall hold a hearing to reconsider its plan or plans.

The referring agency may take any of several possible actions to modify the affected general and/or specific plans to achieve consistency with the ALUP, including:

- a. adoption of the Airport Master Plan as an element of the local general and/or specific plans;
- b. modification of the local general and/or specific plans to incorporate the policies and compatibility criteria of the ALUP; or
- c. adoption of an Airport Combining District or zoning overlay.