

## Agenda Item 9b

### Adoption of the Trinity County Airport Influence Areas

A part of an airport's Compatibility Zoning is an *Airport Influence Area (AIA)*. An AIA is created to define the term "in the vicinity of an airport" that is used in State real estate law and to define the boundaries of the ALUC's jurisdiction.

State Law requires that the ALUC "formally consult" with the affected local jurisdiction about the AIA boundaries (see excerpt from the Handbook below.)

The commission should present the AIAs to the Board of Supervisors and ask for comments.

#### From the California Airport Land Use Planning Handbook:

##### **Geographic Scope: Planning Boundaries**

Many ALUCs call these planning boundaries *airport areas of influence* or *airport influence areas*. They are also sometimes called *referral area boundaries* in that they set the limits of the area within which proposed land use projects are to be referred to the commission for review...

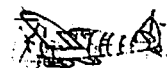
##### **Formal Consultation Requirements**

Formal consultation between ALUCs and affected local jurisdictions is mandatory at only one step of the compatibility plan preparation and adoption process. Specifically, state law (Section 21675(c)) requires that ALUCs establish planning area boundaries "after hearing and consultation with the involved agencies." This requirement comes into play any time a new compatibility plan is proposed for adoption or an existing plan is proposed to be amended in a manner which would modify the planning boundaries (the airport area of influence).

The statutes do not indicate what is meant by "consultation" in this context nor when consultation should occur relative to adoption or amendment of a compatibility plan. However, if new or amended planning boundaries are proposed for adoption, simple discussions with the staff of affected jurisdictions may not be sufficient. Caution suggests that ALUCs should afford elected officials of those jurisdictions the opportunity to meet jointly with the commission to discuss planning boundaries and other compatibility issues. At a minimum, ALUC staff or consultants should offer to make a presentation about the plan to the elected body if the jurisdiction desires.

ALUC review and adoption of planning boundaries need not be a separate process from adoption of a compatibility plan itself. Consultation with affected jurisdictions can be scheduled to coincide with review of a draft compatibility plan. Once an ALUC has consulted with these jurisdictions (or the jurisdictions have declined interest), the commission is free to adopt the planning boundaries it believes are supported by evidence as to airport's impact on the surrounding community. It is essential, though, that the [ALUC's] intent to adopt new or revised planning boundaries be specifically identified in public hearing notices and plan adoption resolutions.

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### **Department of Transportation Guidance**

ALUCs are advised not to overlook this consultation requirement. Omission of this step can invalidate the adoption of a compatibility plan.

### **State Statute**

Effective January 1, 2004, California statutes (Business and Professional Code §11010(b)(12) and Civil Code §1102.6, §1103.4, and §1353) require as part of residential real estate transactions that information be disclosed regarding whether the property is situated within an Airport Influence Area.

### **Staff Recommendation:**

The simplest way to fulfill this requirement is for the ALUC Staff or its Consultant to present the Airport Influence Area boundaries to the Trinity County Board of Supervisors for discussion before the ALUC adopts the ALUCP. Since the law does not specifically require a public hearing, and the Board is not required to take formal action on the item, this can be scheduled as a Presentation agenda item at a regularly scheduled Board meeting. The board could discuss the issue with the staff or consultant, and ALUC members could appear and answer questions as well, if they are available. If the ALUC agrees to the AIA's presented in the current draft of the ALUCP, and directs staff to proceed, the matter could be placed on the October 20 or November 3, 2009 Board of Supervisors agenda, fulfilling this requirement in time to adopt the ALUCP at the November 12, 2009 ALUC meeting.

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