4.4. Compatibility Criteria for Proposed New Airports or Heliports

4.4.1. *Substance of Review:* In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, airspace protection, and overflight annoyance impacts upon surrounding land uses.

(a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of Commission review.

(b) The Commission shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.

(c) The Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.

4.4.2. *Airport/Land Use Relationships:* The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses.

(a) Questions to be considered should include:

(1) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?

(2) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include:

- Location of flight tracks so as to minimize the impacts;
- Other operational procedures to minimize impacts;
- Installation of noise barriers or structural noise insulation;
- Acquisition of property interests (fee title or easements) on the impacted land.

(b) The noise impact assessment criteria listed in Policy 4.3.2 with respect to airport expansion projects shall also be considered with regard to the review of new airport development.

5. APPEALS TO THE ALUC

5.1. General

5.1.1. Public Utilities Code Section 21670.2(a) provides that in Los Angeles County, the County Regional Planning Commission shall act as the County's ALUC and perform all of the functions and duties set forth in the ALUC statutes. As part of this responsibility, the ALUC shall coordinate the airport planning of public agencies within the County. In instances where impasses result relative to this planning, an appeal may be made to the ALUC by any public agency involved. The action taken by the ALUC on

such an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

5.2. Rights of Appeal

5.2.1. *Who May Appeal:* Any public agency involved in an impasse over the airport planning of another public agency, where the airport or the airport's planning area boundary extends into the County of Los Angeles. A public agency shall meet the definition of "public agency" described in Section 1.2. An impasse shall meet the definition of "impasse" described in Section 1.2. The public agency appealing the local decision shall demonstrate that it has, at a minimum, participated in the airport planning process and has expressed its concerns to the public agency governing body regarding the airport planning project.

5.2.2. *Timing of Appeal Submittal:* Appeals of a public agency's governing body's airport planning actions regarding a public use airport shall be initiated within 30 days of the date of the final decision by the governing body on the airport planning project.

5.2.3. *Multiple Appeals:* When an appeal from more than one public agency is received by the ALUC on the same airport planning project, each appeal shall be accompanied by a separate fee.

5.3. Appeal Submittal Information

An appeal shall be filed with the ALUC in written form and shall state specifically the nature and details of the impasse and the identification and description of the parties and public agencies involved in the airport planning impasse. An appeal submitted to the ALUC shall include:

5.3.1. Copy of a resolution or formal action approved or adopted by a majority of the governing body of the appellant public agency indicating its intent to file the appeal;

5.3.2. Documentation of the appellant public agency's participation in the airport planning process;

5.3.3. An explanation of the concerns, impacts, issues, etc. related to the impasse that is the subject of the appeal;

5.3.4. Any applicable review fees as established by the ALUC.

5.4. ALUC Hearing

5.4.1. *Public Hearing Required:* Once a complete appeal submittal has been filed, pursuant to Section 5.3 and including any appropriate fee, the ALUC Administrative Officer shall set the matter for a public hearing before the ALUC. Not less than 10 days prior to the date of any hearing, the ALUC Administrative Officer shall:

(a) Cause a copy of a notice of the time and place of the hearing to be published once in a newspaper of general circulation in the County of Los Angeles.

(b) Cause a notice to be mailed by first class mail, postage prepaid to the appellant public agency, the public agency whose airport planning led to the appeal, any city and any county located within the planning boundary for the affected airport, the Division of Aeronautics, such other persons who, in the opinion of the ALUC Administrative Officer, may be affected by the impasse, and any person who has filed a written request therefore with the ALUC.

5.4.2. *Conduct of Hearings:* The appellant public agency, the public agency whose airport planning led to the appeal, and any other person may testify at the appeal hearing. Testimony at the ALUC hearing should be limited to the issues appealed as identified by the appellant pursuant to Section 5.3, and the ALUC may consider additional information and/or the results of studies in order to resolve the impasse. If for any reason the testimony cannot be completed on the appointed day, the chairman of such hearing may, before adjournment or recess, publicly announce the time and place at which said hearing will be continued, and no further notice shall be required.

5.5. ALUC's Possible Actions:

When considering an appeal, the ALUC may take the following possible actions:

5.5.1. The ALUC may uphold an appeal if it finds that the information submitted by the appellant and/or presented at the public hearing substantiates that the airport planning proposed by the public agency whose planning led to the appeal is not consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, as set forth in Sections 21670, et seq. of the Public Utilities Code.

5.5.2. The ALUC shall deny an appeal where it finds that the information submitted by the appellant and/or presented at public hearing substantiates that the airport planning proposed by the public agency whose airport planning led to the appeal is consistent with the purposes of Article 3.5 of Chapter 4 of the State Aeronautics Act, as set forth in Sections 21670, et seq. of the Public Utilities Code.

5.6. Time Period

The following time periods shall apply to the ALUC review process for an appeal:

5.6.1. Within 30 days following the submittal of an appeal, the ALUC Administrative Officer shall determine if an appeal submittal is complete. The date an appeal submittal is considered complete shall be the date on which the ALUC Administrative Officer provides written acknowledgement to the appellant and the public agency whose airport planning led to the appeal that all applicable submittal information required pursuant to Section 5.3 has been received by the ALUC.

5.6.2. The ALUC must complete its review of an appeal within 90 days from the date an appeal submittal has been deemed complete by the ALUC Administrative Officer. Nothing in this section restricts the ALUC from completing its review before the end of the 90-day period.

5.6.3. If the ALUC fails to act upon an appeal within the time limit prescribed in Section 5.6(b), the appeal shall be deemed denied.

5.7. Notification of Action Taken:

Within five working days after the date of the ALUC's decision, the ALUC Administrative Officer shall provide notice of the ALUC's decision to the appellant, the public agency whose airport planning led to the appeal, the Division of Aeronautics, persons who provided testimony or spoke at the public hearing, and any person who has filed a written request therefore with the ALUC.

6. Fees

6.1. Filing Fees and Deposits:

For the purpose of defraying costs for providing the service for which the fee or deposit is collected, the fees and deposits contained in this section shall accompany the respective submittal.

6.1.1. *Minor Aviation Cases*: $857. Minor aviation cases involve projects within established airport planning boundaries that require review of one or more of the following: zone changes, zoning ordinance amendments, individual development projects, extensions or re-alignments of existing airport runways, or heliports or helistops regardless of their location.

6.1.2. *Major Aviation Cases:* $3,000 as a deposit, subject to adjustment to defray the actual cost of the review. Major aviation cases involve projects within established airport planning boundaries that require review of one or more of the following: (a) general plans or amendments thereto; (b) community plans or amendments thereto; (c) specific plans; (d) airport master plans; or (e) construction plans for new airports regardless of their location.

(a) The applicant shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted, when actual costs exceed the amount of the initial deposit. If, while processing an aviation case, actual costs incurred reach 80 percent of the amount on deposit, the applicant shall be notified and required to submit a minimum supplemental deposit up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion or withdrawal of the aviation case. At the sole discretion of the applicant, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein, except that at no time shall such initial or supplemental deposit be less than the minimum requirement.

(b) The final fee shall be based on actual costs incurred to review and process the aviation case. Costs shall be computed on a monthly basis and deducted from the amount on deposit. The fee shall be considered final upon completion of the review process. If final costs do not exceed the amount on deposit, the unused portion shall be refunded to the applicant. Should the application be withdrawn, costs to date shall be computed and the unused portion of the amount on deposit shall be refunded to the applicant. Costs shall be computed using actual hours expended by staff multiplied by the most current applicable hourly rates, ap-