



**CALIFORNIA PILOTS ASSOCIATION**  
1414 K ST., 3RD FLOOR, SACRAMENTO, CA 95814

August 1, 2018

***VIA EMAIL (Planning@cityofukiah.com)***

Mendocino County Airport Land Use Commission  
501 Low Gap Road, Room 1070  
Ukiah, California 95482

***Re: Agenda Item 5a. Garton Tractor, ALUC\_2018-0002***

Dear Commissioners:

The California Pilots Association (“CalPilots”) submits this comment letter in response to agenda item 5a on your August 2, 2018 agenda, Garton Tractor, ALUC\_2018-0002. We appreciate the work of the Airport Land Use Commission (“ALUC”) in ensuring projects located within the airport influence area are compliant with the California Airport Land Use Planning Handbook issued by Caltrans. As will be discussed below, CalPilots urges the ALUC to find this project not compatible with not only the current Airport Land Use Plan (“ALUP”), but clearly in violation of the aviation easement applicable to the parcel.

### **Height Determination – No Hazard to Air Navigation Is Irrelevant Due To Location**

As the commissioners are likely aware, for the purpose of “Air Navigation,” the FAA begins at 50’ above ground level. The FAA does not, and cannot, control land use near the airport. Thus all FAA assumptions begin at 50’ presuming compatible land use exists. CalPilots concurs this single story structure would not present an air-obstacle, even though it may constitute a land-use obstacle. The expansion of buildings within the Runway Protection Zone (“RPZ”) is an obstruction within what is intended to be a clear area. Mead & Hunt’s December 2017 letter identifies FAA guidance limiting the RPZ to farming, irrigation channels, non-public airport service roads, underground facilities, and air navigational aids (e.g. ILS equipment). The area is intended to be clear of obstacles. Unfortunately the buildings were already located in the RPZ, but their expansion causes problems.



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## **Avigation Easement – The Proposal Conflicts With The Easement**

CalPilots disputes the staff reports finding that the FAA finding of no hazard to air navigation means it complies with the avigation easement. CalPilots notes this is not a legal opinion issued by the City Attorney. A brief digression into terminology. The FAA used to refer to these areas at the end of runways designed to be clear as clear areas. About the mid-90's it changed the term to Runway Protection Zones ("RPZ"). The avigation easement's reference to "Clear Areas" are references to this protection zone. An RPZ is what allowed the passengers on Aeromexico flight 2431 to survive their failed takeoff yesterday. They are critical to the safety of pilots and their passengers.

The easement requires the owner to keep the clear zone "free and clear of any structure... which is or would constitute an obstruction or hazard to the flight of aircraft..." (Staff Report, Attachment 3.) The use of "or" in the language of the easement means the building cannot constitute either an obstruction **or** a hazard to the flight of aircraft. Since the FAA must rely upon local zoning to protect the RPZ, hazards to air navigation are only evaluated if they exceed 50 feet above the runway. The FAA relies upon avigation easements, like the one present on Garton Tractor's land to protect the RPZ. The City's staff report suggests improperly ignoring the clear area easement. The existing buildings are already obstructions, but they pre-exist the easement. An expansion of one of those buildings would violate the easement.

## **Requirement to Apply Current ALUP**

Although Mead & Hunt declined to provide a legal opinion, in its December 13, 2017 letter (Staff Memorandum, Attachment 1, pg. 2) indicated ALUC determinations are typically made based on the current adopted ALUP. CalPilots concurs. Consistency determinations must be based on the then adopted ALUP. That such a plan may negatively impact development near the airport provides an impetus for undertaking a plan update. Additionally, without an actual change in the location of the runway, no update to the ALUP would eliminate the conflict with the RPZ.

## **Application to a Runway Protection Zone ("RPZ")**

Again, Mead & Hunt identified the permitted uses of RPZ land. Although additional guidance does allow for the possibility of buildings in the RPZ, unstated in their letter is that those buildings that do receive approval are typically for aeronautical use.



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## **Proposal to Shift Runway and Ultimately RPZ**

Although future changes to the runway are planned, until funding and construction actually occur, the implementation of a project impeding on the RPZ may cause a further reduction in the length of the Ukiah runway reducing its viability as a fire bomber base during wildfire season, a matter presumably of critical importance to Ukiah.

### **Conclusion**

Garton Tractor's business is located on property subject to an aviation easement. Like all easements, they limit what you can do. This easement prohibits new buildings, trees, or other things that would be an obstacle in the object free area of a runway protection zone. Thus, an expansion of buildings or the construction of new buildings conflict with this easement. Development in an RPZ clearly conflicts with the Airport Land Use Planning Handbook. Also, new construction in the RPZ raises concerns the FAA may further reduce the runway length to accommodate the blocked RPZ, which could potentially limit the airport's usefulness to CalFire in defending Mendocino and Lake counties from wildfires.

CalPilots urges the ALUC to find the project not compatible with the ALUP.

Regards,

/s/Karl Schweikert

Karl Schweikert  
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Via Email ([Counsel@CalPilots.org](mailto:Counsel@CalPilots.org))