



Aviation Planning

Aviation Land Use Compatibility Program Information

Who is required to adopt comprehensive plan policies and regulations to protect general aviation airports from adjacent incompatible land use activities?

The law requires every county, city and town to adopt comprehensive plan policies and development regulations that will discourage the siting of incompatible uses adjacent to general aviation airports that are operated for the benefit of the general public, whether publicly owned or privately owned public use airports. The law applies to each public-use airport within a jurisdiction operating under chapter 35.63, 35A.63, 36.70 or 36.70A RCW, or under a charter.

The law does not apply to on-airport properties. The program only applies to lands *adjacent* to the airport.

Are local jurisdiction required to designate public use airports as Essential Public Facilities (EPF)

RCW 36.70A.200 imposes a duty on counties, cities, and towns not to preclude EPF's. Jurisdictions are required to develop a siting process for locating EPF's and can not prohibit the siting, expansion, or continuation of EPF's within their comprehensive plan or development regulations.

Airports identified as EPF's include aircraft, airport operations, safety, and aircraft noise, aviation dependent uses, airport related uses and associated/incidental support airport operations/activities.

What uses or activities are considered incompatible when located adjacent to an airport?

Depending on airport characteristics, location and amount of key open space adjacent to a general aviation airport, incompatible land uses may include public assembly/large concentrations of people (number of person attracted by a use), residential density, intensity of nonresidential development, structure height, hazardous/explosive material, wildlife hazards, light/glare, air quality and electronic signals.

Are jurisdictions required to adopt comprehensive plan policies and development regulations if the airport is not located within their jurisdictional boundaries?

State law requires every jurisdiction to discourage the siting of incompatible uses adjacent to a general aviation airport. Incompatible land use activities can affect areas up to 5,000 feet from an airports with a runway length of less than 6,000 feet and up to 10,000 feet for airports with runway lengths greater than 6,000 feet. Height obstructions to navigable airspace can affect properties two or more miles from an airport. The distance from an airport is dependent on the size of the airport.

What is the role of the Federal Aviation Administration (FAA)?

The FAA is responsible for the administration of aircraft, aircraft operations, safety and noise.

Federal law preempts local regulations in the area of aircraft safety, navigable airspace, flight operations and noise control, which are defined as: Airport operations, safety and noise are defined as follows:

- Airport operations relates to issues in the air and on the ground, including takeoff, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes, and purpose of aircraft and related issues.
- Safety relates to issues in the air and on the ground, including the placement of runways, taxiways, air navigation facilities, airport design, runway protection areas, and related issues.
- Noise relates to abatement of aircraft noise and emissions, in the air, during takeoffs and landings, and on the ground, including regulations on aircraft design and size, types of aircraft permitted at a particular airports, curfews on flight operations and other related issues. "Nor can zoning interfere with the rights of airport sponsors authorized by state law".

The preemption doctrine does not affect the local government's ability to use its police powers, particularly land use controls, to anticipate, abate, mitigate and otherwise respond to other land use concerns provided they are reasonable permitting and mitigation requirements, which includes incompatible uses on and off the airport.

Will new regulations affect existing development?

No, existing land uses and activities are not affected.

How do I know if an airport is a privately owned public use airport?

There are several sources where this information can be retrieved. The [Federal Aviation Administration \(FAA\)](#), WSDOT Aviation Division's [Airport Information System](#), and from the [5010 database](#).

Where should goals and policies be incorporated into planning documents?

Several different strategies for achieving full general plan consistency are available to counties, cities and towns. These include:

- Incorporating policies within the Land Use, Transportation, Economic Development and other applicable chapters within the comprehensive plan elements;
- Adopting a general airport element;
- Adopting and/or incorporating as a reference the Airport Master Plan and/or Airport Layout Plan (ALP).
- Adopting an airport zoning district, industrial district that permits airports, airport operations, airport overlay zoning district, and/or a combination of zoning districts or criteria within local zoning development regulations of the jurisdictions.
- Coordinate and adopt consistent policy and implementation language of adjacent jurisdictions within the airport influence area.

What constitutes consistency within the airport influence area between adjacent jurisdictions?

Consistency does not require being identical. It means that concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the plan/implementing regulations that the plan comparison is being made.

When should we notify WSDOT Aviation Division of proposed amendments to the Comprehensive Plan and/or development regulations?

As soon as possible. Plans and regulations may only be adopted or amended after formal

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consultation with airport owners and managers, private airport operators, general aviation pilots, ports, and WSDOT Aviation. Formal consultation should occur early in the process during the land use inventory, background analysis and policy development stages in order to ensure that residential density, intensity and use criteria are internally consistent and comprehensively addressed with other plan elements. Additionally, jurisdiction planning under GMA are also required to submit their plans to WSDOT Aviation during the required 60-day review process as set forth in 36.70A.106.

How should compatibility policies and regulations for a particular airport be determined?

Compatibility policies and regulations will vary from airport to airport and community to community. Nevertheless, common objectives and strategies can be employed to reduce adverse consequences to human life, health, and property within potential high-risk areas adjacent to an airport and to protect airports as essential public facilities. All uses and activities allowed, reduced in size, density, or intensity should be assessed by the local jurisdiction using "Best Available Data and Management Practices".

What technical assistance is provided by WSDOT Aviation?

The Department has many resources available and is on hand to meet with the public, community organization, city and county jurisdictions, and state/federal agencies upon request. Technical resources can be found here at our Web site. Some of these resources include:

- [Economic Impacts of Washington Airports: Latest Findings -- Airports Create Jobs and Money](#)
- [WSASP Airport Data Conditions Assessment Database](#): Information on the airport that includes owner and manager, length of runway, approach plate, obstructions, etc
- [WSDOT Aviation Division - Airport and Compatible Land Use Guidelines](#) (pdf 760 kb)
- California [Airport Land Use Planning Handbook](#), 2002
- [Overview of FAR Part 77 "Imaginary Surfaces"](#) -- Video
- [Washington State Aviation Policy](#)
- [Height Hazard Model, Model Land Use Compatibility Regulations and other WSDOT resources](#)
- Other documents and reference sources are also available at the [Federal Aviation Administration \(FAA\)](#) Web site and here at the Aviation Web site as well.

When are jurisdictions required to update or revise their comprehensive plans and regulations to address the siting of incompatible land uses adjacent to general aviation airports?

GMA jurisdictions may amend and/or adopt comprehensive plan or development regulations during the normal course of land use proceedings. However all counties, cities, or towns whether planning under the Growth Management Act or not are required to review and update their comprehensive plans every seven years to ensure compliance with new or amended provisions of the Growth Management Act. The first updates are required to be completed by the following dates:

December 1, 2004 – Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties.

December 1, 2005 – Cowlitz, Island, Lewis, Mason, San Juan, Skagit and Skamania counties

December 1, 2006 – Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties

December 1, 2007 – Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties

(Jurisdictions may complete the review prior to the above dates)

GMA and Non-GMA jurisdictions are required to update their plans during the normal course of land-use proceedings. Land use compatibility should be reviewed when a jurisdiction is amending their comprehensive plan or development regulations when properties adjacent to an airport will be affected.

What happens if a jurisdiction does not meet its initial statutory deadline?

If a jurisdiction's initial review and update is not completed by the deadline specified in RCW 36.70A.130(4), it would be listed in the OCD database as not in compliance with the GMA Update requirement and would be vulnerable to a "failure to act" determination by the growth management hearings board. It would also be subject to the provisions of RCW 43.155.070(2) and not eligible to apply for funding from the Public Works Trust Fund, and subject to RCW 70.146.070(2) and not eligible to receive funding from the Centennial Clean Water Fund. Other state funding agencies also would consider its non-compliance status in making decisions on whether to provide funding to that jurisdiction.

It should be pointed out that "failure to act" appeals to the growth management hearings boards are open-ended; they may come at any time following the statutory deadline. However, if the jurisdiction's legislative body takes action prior to the deadline to review and update its plan and development regulations, that action is presumed valid and any challenge to that action must come within 60 days after the action has been taken (RCW 36.70A.290)

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