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JAN 22 2020

January 17, 2020

Darren Kettle  
Ventura County Transportation Commission  
950 County Square Drive, Suite 207  
Ventura, California 93003

Re: Review of Development in the "Airport Hazard Zones" Under the Ventura County General Plan

Dear Mr. Kettle:

I write to provide the County of Ventura's interpretation of the term "Airport Hazard Zone" in section 2.14.2 of the Ventura County General Plan's Goals, Policies and Programs (GPP): "Airport Hazard Zone" means the area surrounding an airport and excludes the airport itself.

By way of background, GPP section 2.14.2.2(4) requires certain projects near airports to undergo review by the Ventura County Transportation Commission:

"Discretionary development within the Airport Hazard Zones shall be reviewed by the Ventura County Transportation Commission (VCTC) for consistency with the Ventura County Comprehensive Airport Land Use Plan." (GPP § 2.14.2.2(4).)

In a January 10, 2020, legal opinion regarding a hangar-development project at the Camarillo Airport, the Commission's General Counsel suggested that the above provision of the GPP might require the Commission to review even projects *on the County's airports themselves*:

“[T]o the extent that any land use entitlement granted for this project by the County would constitute a Discretionary Development and assuming the Project is located within the Airport Hazard Zone, the Ventura County General Plan would require a review by VCTC, acting in its capacity as the ALUC [Airport Land Use Commission].” (Opinion, p. 8.)

The opinion suggested that proper interpretation of the GPP “would need to be confirmed by County staff.” (Opinion, p. 8.) Please accept this letter as County staff’s interpretation of the relevant section of the GPP.

An Airport Hazard Zone does not include the airport itself, for the simple reason that, if it were otherwise, it would mean the airport could not be used for aviation. This is so because the uses allowed in an “Airport Hazard Zone” do not include aviation:

“To avoid accidents, land located within Airport Hazard Zones . . . shall be designated Agriculture or Open Space . . . and shall be limited to the following uses:

- Agriculture and agricultural operations.
- Cemeteries.
- Energy production from renewable resources.
- Mineral resource development.
- Public utility facilities.
- Temporary storage of building materials.
- Waste treatment and disposal.
- Water production and distribution facilities.” (GPP § 2.14.2.2(1).)

The term “airport” is defined in the GPP to mean land used for “the landing and take-off of aircraft” and “all airport buildings and facilities.” (GPP, p. 149.) Thus, interpreting the term “Airport Hazard Zone” to include the airport itself, and not merely the land surrounding an airport, would have the anomalous result of prohibiting airports within the Airport Hazard Zones that must surround airports.<sup>1/</sup> This is not the intent of the County’s General Plan, which instead merely seeks to reduce aviation risks, not eliminate aviation altogether. (See GPP § 4.2.1 [Goal: “Provide facilities at Oxnard and Camarillo Airports to meet the general aviation and commuter service needs of the citizens of Ventura

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<sup>1/</sup> Cf. “Gentlemen, you can’t fight in here! This is the War Room!” (Stanley Kubrick, *Dr. Strangelove or: How I Learned to Stop Worrying and Love the Bomb* (Columbia Pictures 1964).)

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County”].) It is therefore the County’s interpretation of the GPP that “Airport Hazard Zone” includes only the land surrounding an airport, not the airport itself.

This interpretation is consistent with the State Aeronautics Act (Pub. Util. Code, § 21001 et seq.), the purposes of which include “Encouraging the development of private flying and the general use of air transportation” and “Establishing only those regulations which are essential and clearly within the scope of the authority granted by the Legislature, in order that persons may engage in every phase of aeronautics with the least possible restriction consistent with the safety and the rights of others.” (Pub. Util. Code, § 21002.) This interpretation is also consistent with that portion of the State Aeronautics Act that provides for the Commission and sets its powers, which include: “To assist local agencies in ensuring compatible land uses . . . *in the vicinity of* existing airports . . . .” (Pub. Util. Code, § 21674, emphasis added.) Finally, the County’s interpretation is consistent with the Commission’s own Airport Comprehensive Land Use Plan (ACLUP), which seeks to “promote compatible urban development and restrict incompatible development *in the vicinity of* the County’s airports, thus allowing for the continued operation of those airports” and which considers the compatibility only of *surrounding* land uses at airports, not the uses of the airports themselves. (ACLUP, p. 1-2, emphasis added.)

Under the County’s interpretation, the Commission is not required to review a development on a County airport under GPP section 2.14.2.2(4), because such a development would not be within the Airport Hazard Zone.

Please do not hesitate to contact me at either the above telephone number or at Tom.Temple@ventura.org.

Very truly yours,



THOMAS W. TEMPLE  
Assistant County Counsel

cc: Kip Turner, Director, Department of Airports

TWT:jj