



## MILITARY COMPATIBILITY

### 7.1 Introduction

The Oxnard 2030 General Plan sets out a vision to guide future development in the City. The 2002 visioning program includes military compatibility concerns and direction that are incorporated in this chapter. There is no corresponding chapter in the 2006 Background Report, but military compatibility topics are listed in several chapters. Implementation and determination of internal consistency with the remainder of the general plan is presented in Chapter 9.

Naval Base Ventura County (NBVC) and the Naval Air Station (NAS) Pt. Mugu (including San Nicholas Island) are key elements in the nation's defense infrastructure providing for the development and testing of new systems, joint warfare experimentation, engineering support, shipping and home-porting, and training and readiness missions. Both facilities are located south of Oxnard and have operational needs and issues that impact Oxnard residents and future development. Development decisions may result in land use conflicts that can have negative impacts on community safety, economic development, and sustainment of military readiness activities. Nationwide, incompatible development has been a factor in curtailing training operations, moving (realigning) mission-critical components to other installations, and, in extreme cases, closing installations.

The purpose of the Military Compatibility chapter is to demonstrate the City's commitment to and support of current and future missions at NBVC and NAS Pt. Mugu, especially noise generated by aircraft operations. This element considers the impact of Oxnard's development decisions on military readiness activities.

Many of the issues related to military sustainment are covered as part of other elements in the General Plan. For instance, the location of future development is controlled by policies in the Community Development Element, and noise level thresholds are covered in the Safety Element.

## 7.2 Key Terms

**Avigation Easement.** An easement that grants one of the following rights: the right of flight; the right to cause noise, dust, etc. related to aircraft flight; the right to restrict or prohibit certain lights, electromagnetic signals, and bird-attracting land uses; the right to unobstructed airspace over the property above a specified height; and the right of ingress/egress upon the land to exercise those rights.

**Encroachment.** The intrusion of a building, use, or object from one piece of land onto another piece of land.

**Memorandum of Understanding (MOU).** An agreement between parties underlining a common line of action.

**Military Influence Area (MIA).** In general, an MIA covers the areas where military operations may impact local jurisdictions and, conversely, where local activities may affect the military's ability to carry out its mission.

**Overflight.** An aircraft flight over a particular area.

**Overlay Zone.** A geographic area with zoning requirements.

**Suitability Map.** A graphical manner for the suggestion of development limitations, notification requirements, or other compatibility requirements based on the geographic proximity to the installation. The acceptability of certain criteria is displayed using areas depicted on a map by the colors red, yellow, and green.

**Special Use Airspace (SUA).** This special designation is designed to alert users about areas of military activity, unusual flight hazards, or national security concerns and is used to segregate that activity from other airspace users to enhance safety. Special Use Airspace is established by the FAA.

### LEGISLATION RELATED TO MILITARY PROTECTIONS

The following is an overview of existing California State legislation that impacts military compatibility planning.

**AB 1108...**

*Provides military agencies with early notice of proposed projects during the CEQA process.*

**Assembly Bill 1108**

California Assembly Bill (AB) 1108 (Chapter 638, Statutes of 2002) amends CEQA law to require CEQA lead agencies to notify military installations when a project includes property located within an established operational area; a general plan amendment; is of statewide, regional, or area-wide significance; or is required to be referred to the local ALUC. AB 1108 amends CEQA to provide military agencies with early notice of proposed projects within two miles of installations or underlying training routes and SUA.

**AB 2776...**

*Provides for real estate disclosure for residences within airport influence areas.*

**Assembly Bill 2776**

The Aviation Noise Disclosure legislation (AB 2776) amends the real estate transfer disclosure statute (California Civil Code, Division 2 – Property, Part 4 – Acquisition of Property, Title 4, Chapter 2 –Transfer of Real Property) to require sellers or leasers to disclose the fact that a house for sale or lease is near an airport if the house falls within an airport influence area (that could be several miles from an existing or proposed airport). An airport influence area is defined as the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The intent of the legislation is to notify buyers that they could experience airport noise, vibration, odor, annoyances, or other inconveniences at some time in the future as a result of the normal operation of an existing or proposed airport.

**SB 1462...**

*Requires coordination on updates or amendments to general plans.*

**Senate Bill 1462**

SB 1462 (Chapter 907, Statutes of 2004) expanded the requirements for local government to notify military installations of proposed development and planning activities. This Bill states that “prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to . . . the branches of the Armed Forces when the proposed project is located within 1,000 feet of a military installation, beneath a low-level flight path, or within Special Use Airspace (SUA) . . .” Furthermore, it authorizes any branch of the United States Armed Forces “to request consultation” to avoid potential conflict and to discuss “alternatives, mitigation measures, and the effects of the proposed project on military installations.”

**SB 1468...**

*Requires the State to provide guidance on incorporating military compatibility into a jurisdiction’s general plan. These are considered to be recommendations at this time, pending funding.*

**Senate Bill 1468**

SB 1468 (Chapter 971, Statutes of 2002) requires the Governor’s Office of Planning and Research (OPR) to include guidance on how military compatibility can be addressed in a general plan, and how a general plan can consider the impact of growth on military readiness activities carried out on military bases, installations, and operating and training areas. The bill includes the following methods to address military compatibility:

- In the land use element, consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land or other territory adjacent to those military facilities, or underlying designated military aviation routes and airspace.
- In the open-space element, open-space land is defined to include areas adjacent to military installations, military training routes, and restricted airspace.
- In the circulation element, include the general location and extent of existing and proposed military airports and ports.

SB 1468 is part of a State policy package to promote the development of a partnership between communities and the military that allows for collaboration on land use compatibility issues. OPR encourages local jurisdictions near military installations, and under military training routes or restricted airspace, to incorporate the above items into their general plans.

#### **OVERVIEW OF MILITARY INSTALLATIONS IN REGION**

Each of the U.S. Navy installations and use areas and their respective missions are highlighted below.

- **NAS Pt. Mugu.** NAS Pt. Mugu is located in the unincorporated County of Ventura and has real-time control of all air traffic within its coastal area, enabling the 36,000 square mile Pacific Sea Test Range to operate non-encroached. The range is a crucial asset in the testing, training and operational readiness of sub surface, surface and aerial weapon systems in the DOD strategic and tactical inventories.

Located adjacent to the installation, Point Mugu State Park serves as a popular area for bird watching, marine mammals, and wildflowers. This park consists of approximately 15,000 acres of protected land including beaches, riparian areas, coastal hills and canyons. The protected nature of this valuable resource provides an additional buffer to operations occurring on NAS Pt. Mugu.

- **Naval Base Ventura County.** NBVC is located in the City of Port Hueneme and includes the only deepwater commercial harbor between Los Angeles and San Francisco and the only Navy controlled harbor between San Diego and Puget Sound. NBVC is a key mobilization facility and the home base of the Seabees (Construction Battalions of the U.S. Navy), the Navy's equivalent of the Army Corps of Engineers.

- **San Nicolas Island.** San Nicolas Island is located 65 miles south of Point Mugu, the most remote island of the Ventura County Channel Islands. It is uninhabited except for Navy personnel at their training facility.

### 7.3 Goals and Policies

This following goals and policies consider the impact of Oxnard development on military readiness activities and the impact of the bases on Oxnard.

#### General Mission Support

##### Goal MC-1

Continued missions and operations of NBVC and NAS Pt. Mugu that are compatible with Oxnard residents, visitors, and business activities.

##### *MC-1.1 Review for Development Constraints*

Periodically review the zoning ordinance, subdivision ordinance, and other infrastructure plans and programs to ensure they do not conflict with the continued viability of NBVC and NAS Pt. Mugu.

##### *MC-1.2 Economic Impact Awareness*

Continue to recognize and support the role of NBVC and NAS Pt. Mugu as significant contributors to the economic base of the community by recognizing and quantifying their respective direct and indirect economic impacts in City reports and studies.

#### Communications and Coordination

##### Goal MC-2

Participation of NBVC and NAS Pt. Mugu residents and leaders in the Oxnard planning and development decision-making process.

##### *MC-2.1 Increase Public Awareness*

Participate in NBVC and Pt. Mugu NAS public education programs regarding their missions and impacts associated with military aviation operations.

##### *MC-2.2 Real Estate Disclosure*

Implement the provisions of AB 2776 if the City is involved, directly or indirectly, as a source of funding and/or land use entitlement in areas potentially impacted by missions and operations at NBVC and NAS Pt. Mugu.

**MC-2.3      *Development Permitting Process***

Implement Government Code Section 65940 by requiring development applicants to identify whether a proposed project meets one or more of the following criteria:

- Located within 1,000 feet of NBVC or NAS Pt. Mugu.
- Beneath a low-level flight path.
- Within special use airspace (SUA) as defined by Section 21098 of the Public Resources Code.

If the proposed project meets one of the above, the City shall distribute the complete application as provided in Government Code Section 65944(d)(I).

**MC-2.4      *Information Exchange***

Designate a military liaison function within the City government and/or EDCO to exchange information between the City and NBVC and NAS Pt. Mugu on issues of mutual concern including, but not limited to:

- Early notification of development projects near the installations.
- Early notification by NAS Pt. Mugu to the City of potential changes in aircraft operations (flight patterns, operational tempo, etc.).
- Housing, recreation, and other issues related to Navy personnel and their dependents living in Oxnard.

**MC-2.5      *CEQA Notification***

Continue to provide CEQA notifications to NBVC and NAS Pt. Mugu for review and comment on City discretionary land use actions to include, but not limited to, General/Specific Plan/Coastal Plan amendments, zone changes, tract or parcel maps, and special use or coastal development permits.

**MC-2.6      *Coordinate Military Compatibility Planning with Ventura County***

Maintain close contact with planning counterparts in Ventura County to coordinate military compatibility planning and management activities within unincorporated areas adjacent to the City.

**MC-2.7      *Staff Training on Military Compatibility Planning***

Cooperate with NBVC to provide City staff with on-going training opportunities to maintain their awareness of the latest technology and regulations concerning military compatibility issues.

## Mitigating Military Compatibility Issues

### Goal MC-3

Mitigated encroachment issues associated with land uses and development.

#### **MC-3.1** *New Development to Protect Operations*

When commenting on County of Ventura or City of Port Hueneme development applications and/or CEQA documents, consider whether new development mitigates military use conflicts.

#### **MC-3.2** *Vertical Obstructions*

Ensure all new development within the City is developed in accordance with Federal Aviation Regulations (FAR) Part 77 that is generally concerned with any construction or alteration more than 200 feet above ground level.

#### **MC-3.3** *Protect Mugu and Ormond Beach Wetlands*

Work with NBVC and NAS Pt. Mugu and other agencies and organizations to continue to preserve and enhance the extensive wetlands of the Mugu Lagoon and the existing and potential Ormond Beach wetlands.

## Future of NBVC and Pt. Mugu NAS

### Goal MC-4

Continued active status for NBVC and NAS Pt. Mugu should another Base Closure and Realignment Commission (BRAC) be established.

#### **MC-4.1** *Participate in BRAC*

Should a new BRAC be initiated, vigorously participate in the process to fully inform the BRAC of the existing and potential benefits of maintaining both NBVC and NAS Pt. Mugu in active status.

#### **MC-4.2** *Future Commercial / General Aviation Flight Operations*

Consider the use of NAS Pt. Mugu as an air carrier airport if the military facility is ever declared surplus.

#### **MC-4.3** *Utilities and Services*

Request and consider the projected need for additional utilities and other municipal services by NBVC and/or NAS Pt. Mugu installations in the development of new infrastructure plans.

**MC-4.4**     ***Affordable Housing***

Promote the availability and development of off-base affordable housing to meet the needs of the military population

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