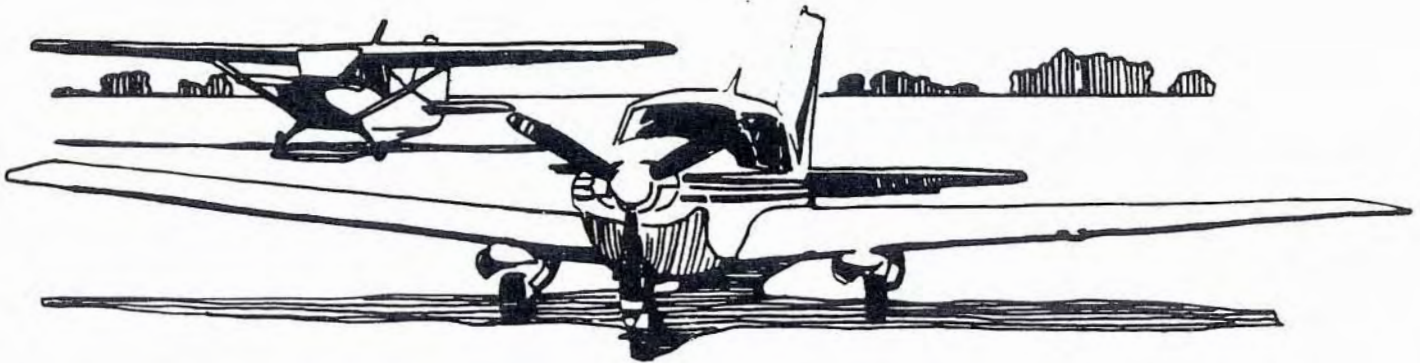


BORGES-CLARKSBURG AIRPORT

COMPREHENSIVE LAND USE PLAN

APRIL 1994

SACOG-94-018



AIRPORT LAND USE COMMISSION, 3000 'S' STREET, SUITE 300, SACRAMENTO, CA 95816

AIRPORT LAND USE COMMISSION

Under provisions of the California Public Utilities Code, Chapter 4, Article 3.5, Section 21670.1, Airport Land Use Commission Law, the Sacramento Area Council of Governments (SACOG) has been designated the Airport Land Use Commission (ALUC) for Sacramento, Sutter, Yolo and Yuba counties.

The Sacramento Area Council of Governments (SACOG) is an association of local governments formed by four counties and fifteen cities. SACOG serves the entire Counties of Sacramento, Sutter, Yolo and Yuba and the Cities of Lincoln, Rocklin and Roseville in Placer County.

SACOG is governed by a Board of Directors composed of county supervisors or city councilpersons, appointed by the member jurisdictions. The Board is advised by several policy and technical committees. A full-time staff is employed to implement Council policies and work programs, as well as coordinate the efforts of consultants who are retained to augment the staff's efforts.

SACOG serves as an advisory agency to local government on matters of interjurisdictional concern, and has developed a comprehensive planning program in the areas of transportation, housing, water quality, airport land use and air quality.

MEMBER CITIES AND COUNTIES

SACRAMENTO COUNTY

City of Sacramento
City of Folsom
City of Galt
City of Isleton

SUTTER COUNTY

City of Yuba City
City of Live Oak

YOLO COUNTY

City of Davis
City of West Sacramento
City of Winters
City of Woodland

YUBA COUNTY

City of Marysville
City of Wheatland

City of Lincoln (Placer County)
City of Rocklin (Placer County)
City of Roseville (Placer County)

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I. INTRODUCTION

A. BACKGROUND

This Comprehensive Land Use Plan (CLUP) was prepared by the Airport Land Use Commission (ALUC) under the authority of the Airport Land Use Commission Law, Chapter 4, Article 3.5, California Public Utilities Code. The purpose of the Airport Land Use Commission Law is to:

1. Protect public health, safety, and welfare through the adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise.
2. Prevent the encroachment of incompatible land uses around public-use airports, thereby preserving the utility of these airports into the future.

These purposes are implemented through Airport Land Use Commissions, which are allowed in every county with a public use airport or with an airport served by a scheduled airline. The Sacramento Area Council of Governments (SACOG) has been designated the ALUC for the counties of Sacramento, Sutter, Yolo and Yuba. Under the provisions of the Law, the ALUC has certain responsibilities conferred upon it and specific duties to perform. While ALUCs work closely with cities, counties, and airport operators, they are autonomous agencies.

It should be noted that ALUC law does not give the Airport Land Use Commission jurisdiction over the operation of any airport. The ALUC, therefore, has no power over such things as the number of aircraft which can be based at an airport, the number of operations which can occur, the flight patterns which aircraft use, or the hours during which aircraft can use an airport.

The Airport Land Use Commission fulfills its responsibilities in four basic ways:

1. The adoption of a basic Airport Land Use Commission Policy Plan.
2. The adoption of land use plans for individual airports called "Comprehensive Land Use Plans" (CLUPs) which contain land use compatibility guidelines for height, noise, and safety.
3. The incorporation of the land use compatibility guidelines contained in the CLUP into the general plan and land use regulations by cities and counties with jurisdiction over any geographic area subject to the CLUP.
4. ALUC review and determination of compatibility of individual development proposals, general plan amendments, and other land use plans and regulations around airports.

The Comprehensive Land Use Plan (CLUP) is the key to implementation of the ALUC Plan. It provides the land use compatibility guidelines on which compatibility of land uses are determined. It also establishes the planning boundaries around the airport. Planning boundaries are established for height, noise, and safety.

Following adoption by the ALUC, a Comprehensive Land Use Plan is transmitted to all jurisdictions affected by the plan. State Law (Government Code, Section 65302.3) requires that the local jurisdiction take action within 180 days to assure that its land use regulations are consistent with the provisions of the Comprehensive Land Use Plan (CLUP). The law provides for two methods by which to achieve this consistency:

1. To amend pertinent portions of general plans, specific plans, zoning ordinances, or other land use regulations as necessary to achieve consistency with the CLUP. Once this is done, the local jurisdiction, through enforcement of its land use controls and regulations, effectively becomes the agency that actually implements the standards contained within a CLUP.
2. In the event a Board of Supervisors or City Council does not agree with specific provisions of a CLUP, it can satisfy the consistency requirement by overruling specific provisions of the ALUC plan by a two-thirds vote. The overruling must, however, be made after a public hearing and must be based on specific findings that the proposed action is consistent with the purposes of the Airport Land Use Commission Law.

If the ALUC finds that a city or county has not revised its general plan or specific plan, or overruled the ALUC, the ALUC may require that city or county to submit all subsequent actions, regulations or permits in the affected airport area to the ALUC for consistency determination. If the ALUC finds the proposed action in-consistent, the city or county must hold a public hearing to reconsider its proposal. If, after the public hearing, the city or county still wishes to pursue the action, it may overrule the ALUC on a two-thirds vote, based on specific findings.

Following adoption of a plan by the ALUC, and its incorporation into local land use regulations, certain types of projects must be referred to the ALUC by local jurisdictions for a review of project consistency with CLUP standards. Such projects include those requiring amendments to general plans or specific plans, amendments to or adoption of new zoning ordinances, and building regulations which affect land within a plan area. Usually, projects referred to ALUC staff consist of specific development proposals which are seeking a discretionary approval or permit from the local jurisdiction.

When ALUC staff receives a project for a consistency review, the appropriate CLUP is consulted and a determination is made concerning which planning boundary, or boundaries, apply. Staff then determines the land use compatibility standards which apply to the project, and whether the project is compatible, compatible subject to specific conditions, or incompatible. A formal consistency review is subsequently transmitted to the referring agency. If a project is determined to be incompatible with a CLUP, it cannot be approved by the jurisdiction unless action is taken by the jurisdiction to overrule the ALUC determination. The overrule action is subject to the requirement for making specific findings.

B. SUMMARY

Following this introductory section, Section II describes existing and planned airport facilities, existing airport activity, and off-airport land use patterns. Section III establishes planning boundaries for height, noise and safety; and defines compatible and incompatible land uses within each planning boundary. Section IV describes the legal requirements for land use consistency.

II. THE AIRPORT

A. EXISTING FACILITIES AND AIRPORT ACTIVITY

Borges-Clarksburg Airport is a privately owned facility located in eastern Yolo County, approximately one mile northeast of the Town of Clarksburg. Access to the airport is via County Road E-9. The airport was established in 1945 and received a permit from the Division of Aeronautics in 1949. The location of the airport is depicted in Figure 1.

The airport's turf runway is 2,360 feet in length and 75 feet wide. there are currently 18 aircraft based at the airport. There are 25 open tiedowns, 12 shelters and 2 transient parking spaces. The most recent estimate of annual operations is 6,000.

The majority of the airport is leased by Clarksburg Sports Flyers, Inc., which operates the airport. An aircraft repair facility, Smitty's Air Repair, leases a large hangar on the airport. Figure 2 displays the existing airport layout.

B. FUTURE FACILITIES AND AIRPORT ACTIVITY

A formal master plan for the airport has not been developed. No specific plans for the development of future aviation facilities currently exist. The development of facilities in the past, particularly tiedowns and shelters, has occurred in response to demand as financing permits. It is expected that this trend will continue into the future.

C. OFF-AIRPORT LAND USE

While the airport itself is physically located in Yolo County, a portion of the airport's area of influence also encompasses a portion of Sacramento County across the Sacramento River. The primary land use surrounding the airport on the Yolo County side is agriculture. This area is zoned either as Agricultural Preserve (A-P), or as Agricultural General (A-1). The preservation of agricultural land is the major purpose of both of these zoning categories. Both also permit the construction of a single-family dwelling , or the placement of a mobile home, on a minimum parcel size of 20 acres.

On the Sacramento County side of the river, the predominant land use categories, as adopted by Sacramento County, include Agricultural Cropland, Agricultural-Recreational, Recreational and Public-Quasi-Public.

FIGURE 1

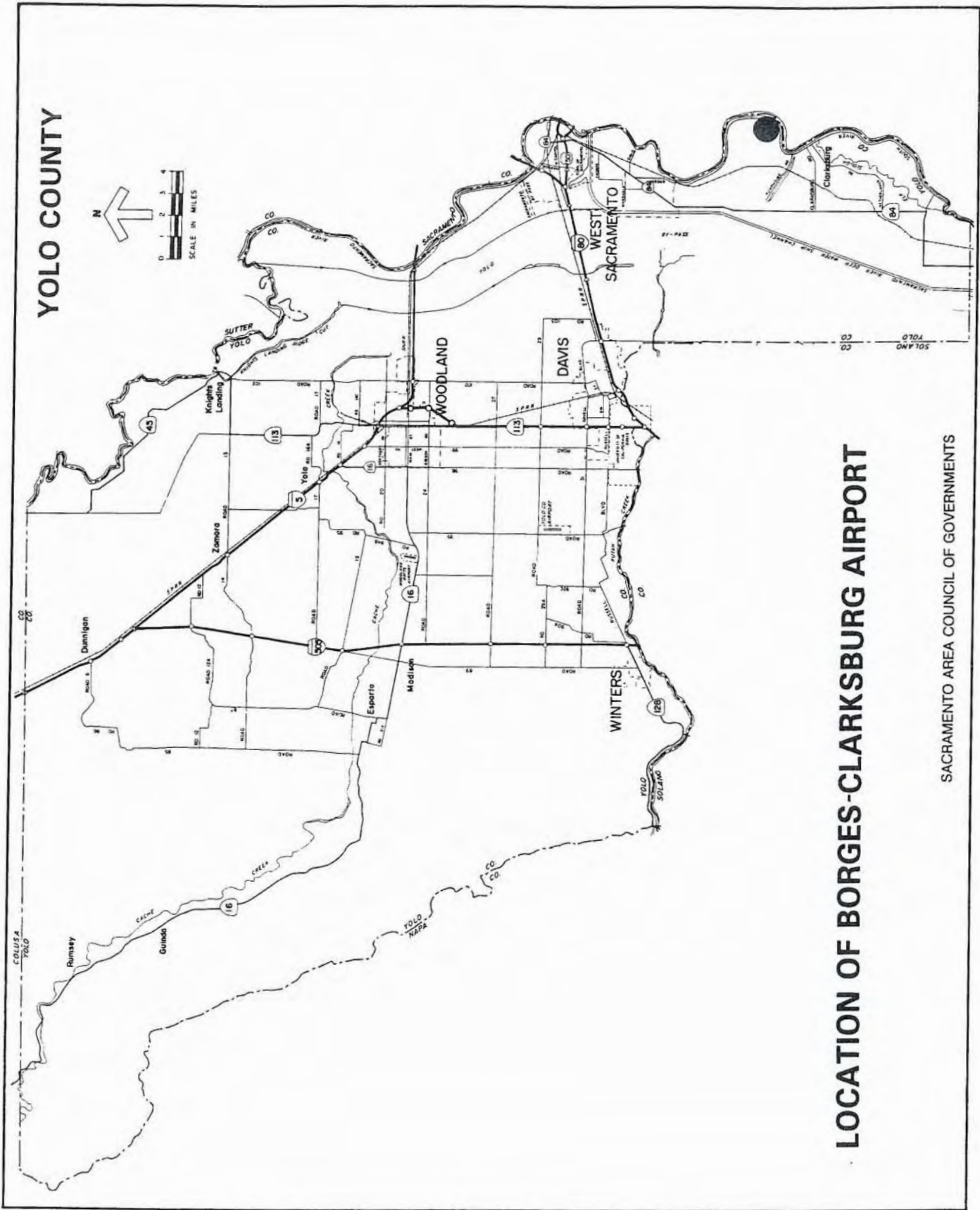
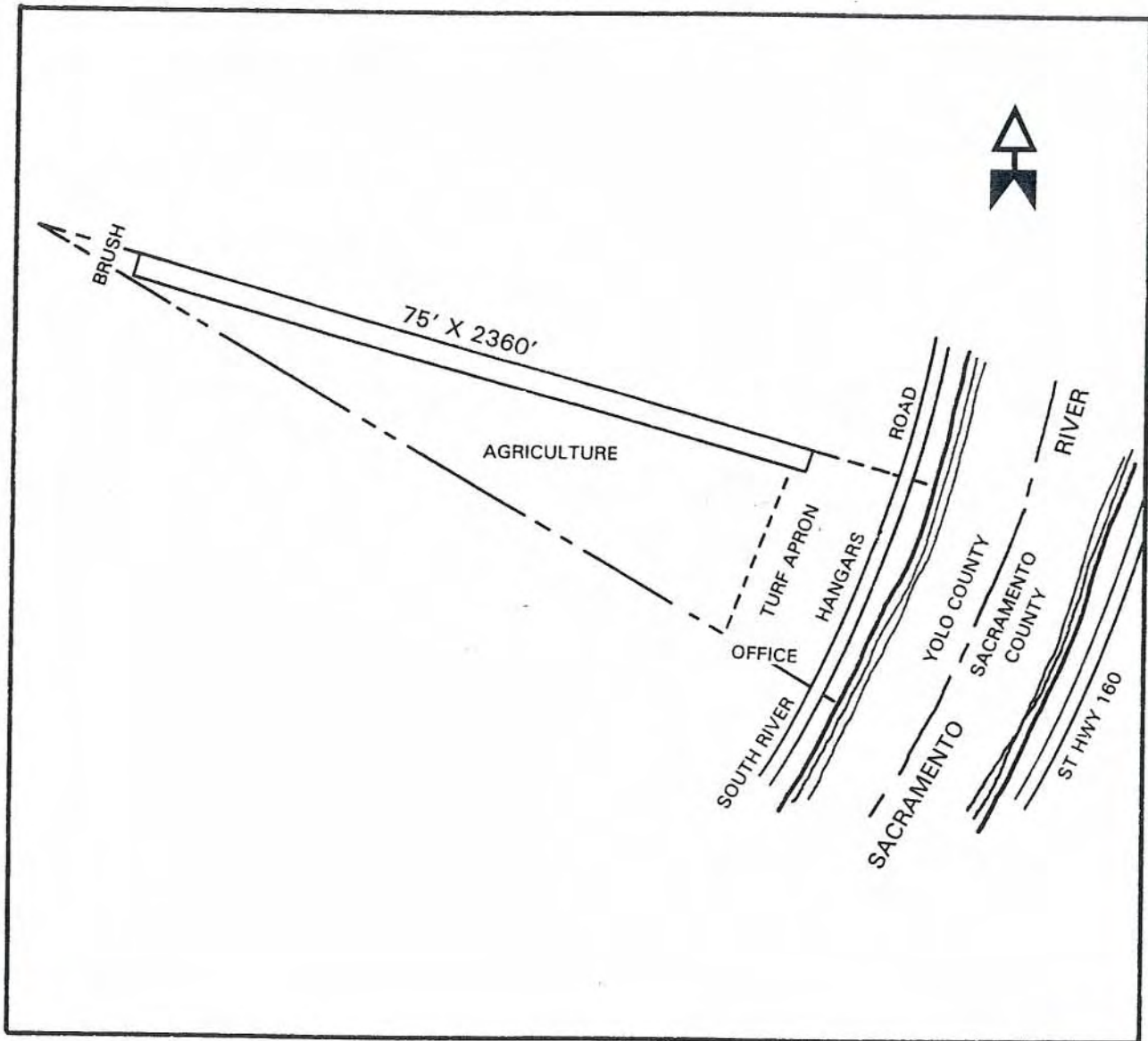


FIGURE 2

AIRPORT LAYOUT



III. FINDINGS, POLICIES AND IMPLEMENTATION

The concerns of airport land use planning fall into three categories:

Height Restrictions - protecting the navigable airspace around airports for aircraft safety;

Noise Compatibility - minimizing the number of people exposed to noise from aircraft operations;

Safety of Persons on the Ground - minimizing the number of people exposed to hazards related to aircraft operations and accidents.

Thoughtful planning in these three areas, reflected in land use policies and regulations, will minimize the exposure of the public to noise and safety hazards; will provide safer aircraft operations, and will help protect the airport and the public resources it represents from encroachment by incompatible land development.

The findings, policies, and guidelines contained in this plan have three major functions:

1. To protect the airport from encroachment by incompatible land uses;
2. To safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general by protecting them from the adverse effects of aircraft noise and reducing the number of people exposed to airport-related hazards; and
3. To ensure that no structures affect navigable airspace.

This plan establishes planning boundaries for the airport and provides a comprehensive plan that defines compatible types and patterns of future land use. It should be clearly understood that this plan provides a basis for determining compatible land uses and is not a specific development plan. This plan neither sets forth specific land uses for any particular parcel or parcels of land, nor is it retroactive with respect to any existing incompatible land uses.

It should also be understood that this plan governs the relationship between the airport and the land uses that surround it and contains no recommendations concerning operations of the airport. State law provides no authority to the ALUC over airport operations.

While this plan provides a guide to compatible land uses around the airport, some development already exists in the area surrounding the airport that is inconsistent with the compatibility guidelines. This document is primarily directed at preventing new problems of land use incompatibility, not at removing existing incompatible uses. Incompatible development that currently exists is recognized as an existing incompatible land use. It should be noted that although the ALUC recognizes the existence of these incompatible land uses, neither this plan, or the ALUC, finds these uses to be consistent with this plan.

Airport planning boundaries define areas where height, noise, or safety restrictions are imposed, Height standards for defining obstructions to air navigation are established by the Federal Aviation Administration (FAA) and are defined in Federal Aviation Regulation (FAR) Part 77, Objects Affecting Navigable Airspace. Noise restrictions are governed by California Administrative Code, Title 21, Subchapter 6. Airport safety areas are determined by the Airport Land Use Commission. The total area encompassed by these three sets of boundaries is referred to as the "Airport Area of Influence".

A. AIRPORT HEIGHT RESTRICTION AREA

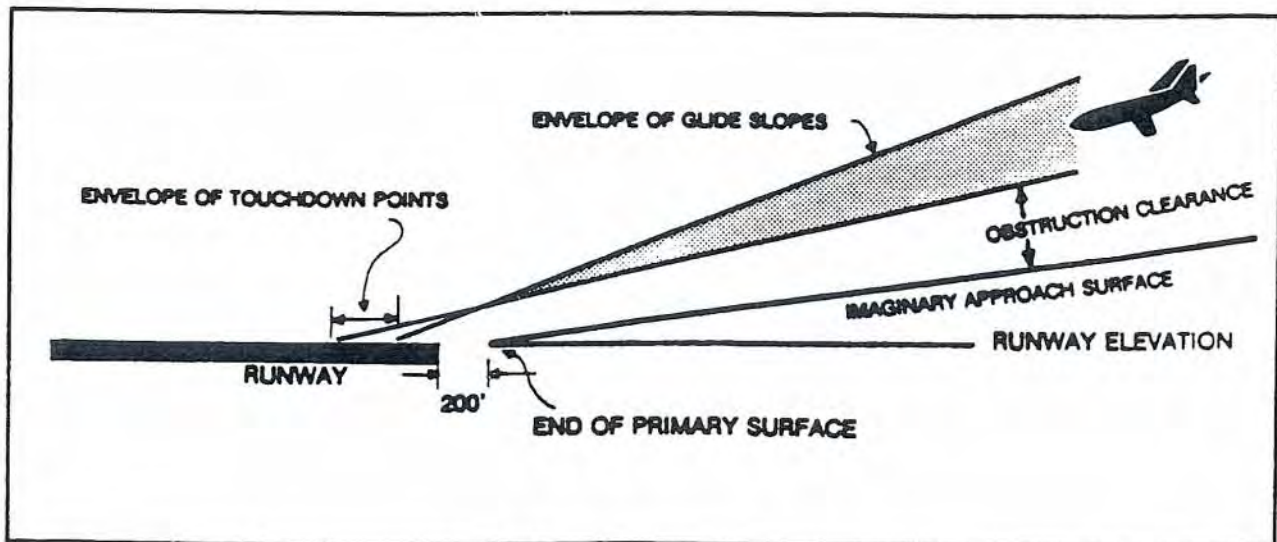
Height restrictions are necessary to ensure that objects will not impair flight safety or decrease the operational capability of the airport. Federal Aviation Regulation (FAR) Part 77 defines a series of imaginary surfaces surrounding airports. Any object or structure which would penetrate any of these imaginary surfaces is considered by the FAA to be an obstruction to air navigation. While an obstruction to air navigation may not necessarily be a hazard to air navigation, the FAA presumes it to be and treats it as such until an FAA aeronautical study has determined that it does not have a substantial adverse effect upon the safe and efficient use of navigable airspace by aircraft. Figure 3 provides an example of obstruction clearances.

Proponents of projects penetrating certain imaginary surfaces are required to notify the FAA of their intent. Upon notification, the FAA initiates an aeronautical study to analyze whether or not the proposed project would be a hazard to air navigation, makes a determination, and sends copies to all known interested parties.

It should be noted that even if the FAA makes a determination that a project would constitute a hazard to air navigation, they cannot prohibit its construction. California law goes further, however, and prohibits the construction of any structure that would constitute a hazard to air navigation, as defined in FAR Part 77, unless the State Department of Transportation, Division of Aeronautics issues a permit. The permit is not required if the FAA determines that the proposed project does not constitute a hazard to air navigation.

FIGURE 3

OBSTRUCTION CLEARANCES PROVIDED BY FAR PART 77 IMAGINARY SURFACES



1. Findings

- a. Height guidelines for determining if an object is an obstruction to air navigation are set forth in Federal Aviation Regulation Part 77, Objects Affecting Navigable Airspace. Objects that would be of greater height than the imaginary horizontal and sloping surfaces contained in this regulation are deemed to be an obstruction to air navigation.
- b. Penetration of these imaginary surfaces by permanent structures would interfere with the operating capability of the airport, would endanger pilots and passengers of aircraft operating at the airport, and would pose a hazard to persons occupying those structure.

2. Policies

- a. The Airport Land Use Commission adopts Federal Aviation Regulations (FAR) Part 77 imaginary surfaces to determine height restrictions for natural and man-made objects as follows:
 - 1) Primary Surface: A surface longitudinally centered along the runway, ending at each end of the runway and having a total width of 250 feet.
 - 2) Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by scribing an arc 5,000 feet out from the center of each end of the primary surface and connecting the arcs with tangents.
 - 3) Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
 - 4) Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface at a slope of 20 to 1 for a length of 5,000 feet. The width of this surface starts the same as the Primary Surface, 250 feet, and flares to 1,250 feet at 5,000 feet.
 - 5) Transitional Surface: A surface extending outward and upward from the sides of the primary surface and from the sides of the approach surfaces at a slope of 7 to 1.

These surfaces are depicted in Figure 4.

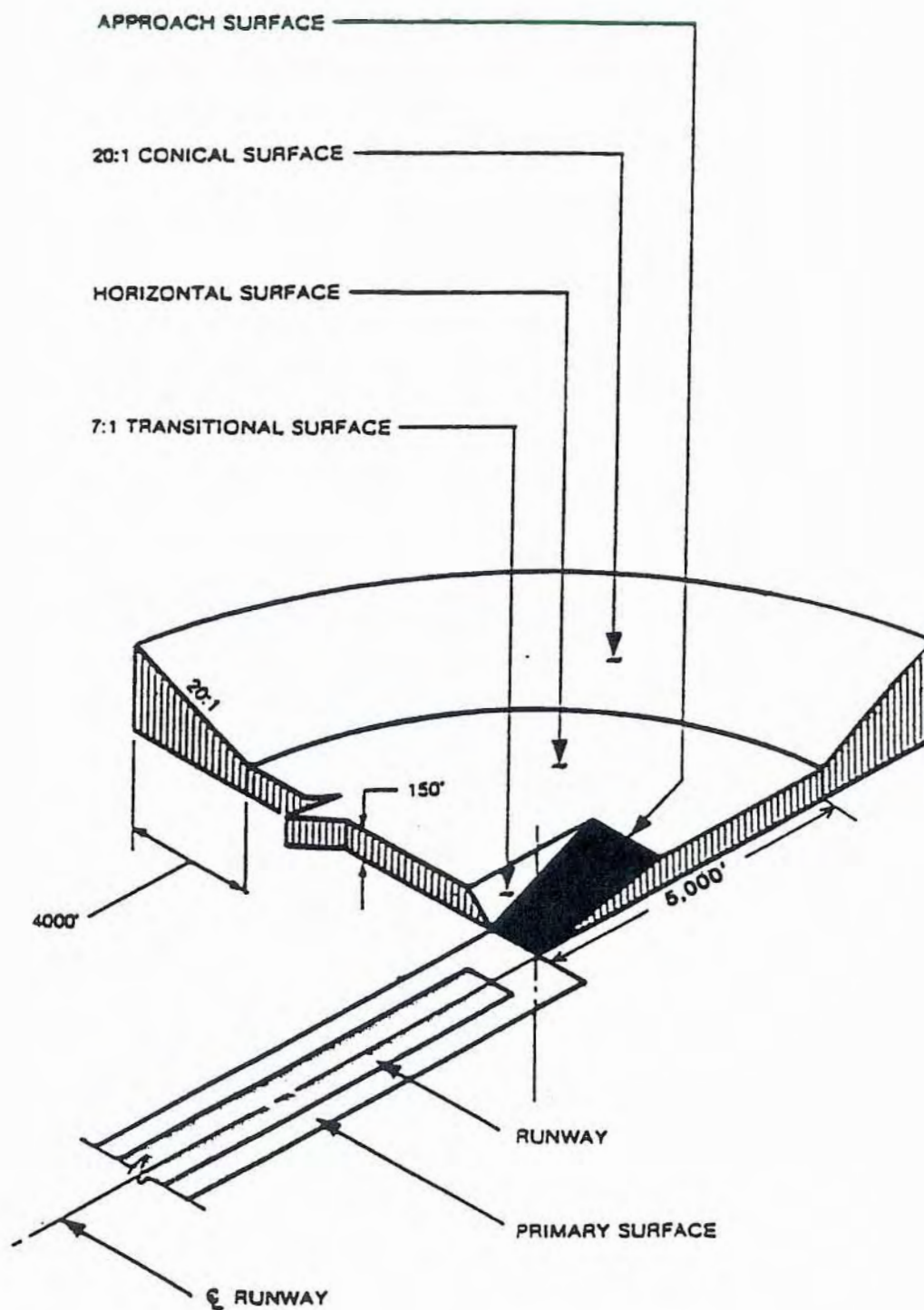
Note: Where imaginary surfaces overlap, such as in the case where the approach surface penetrates and continues upward and outward from the horizontal surface, the lowest surface is used to determine whether or not an object would be an obstruction to air navigation.

- b. Any proposed new construction or expansion of existing structures that would penetrate any of the imaginary surfaces for the Borges-Clarksburg Airport, as adopted by the ALUC, is deemed to be an incompatible land use, unless either the FAA has determined that the proposed structure does not constitute a hazard to air navigation or the State Division of Aeronautics has issued a permit allowing construction of the proposed structure.

FIGURE 4

EXAMPLE OF PART 77 CIVIL AIRPORT IMAGINARY SURFACES

Isometric View



- c. Any project that may penetrate the height notification limits of Federal Aviation Regulation (FAR) Part 77 is deemed to be an incompatible land use until all notification requirements are fulfilled.

Caution: Land use compatibility is determined by comparing proposed land use against height, noise, and safety guidelines. Proposed land uses must be compatible with each.

3. Implementation

- a. ALUC adoption of this plan sets in motion a 180 day period within which each city or county with jurisdiction over a geographic area subject to this plan must take one of two possible actions:
 - 1) The first option is to amend its general plan and other land use controls and regulations, where necessary, to be consistent with this plan.
 - 2) The second option, if the city or county does not concur with provisions of this plan, is to overrule any portion of the plan with which it does not agree. The overruling must, however, be by a two-thirds vote of the governing body and must be based on written and adopted findings that the action to overrule is consistent with Section 21670 of the California Public Utilities Code.

Section 21670 of the California Public Utilities Code makes it clear that the purpose of the California Airport Land Use Commission Law is to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards.

- b. Upon adoption of this plan, existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use.
- c. Upon adoption of this plan, no incompatible land use, building, or structure may be expanded, except the following.
 - 1) Single family detached residences
 - 2) Schools that would increase in capacity by less than one-third (1/3)
- d. If any incompatible land use, building, or structure is damaged and the damage exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be in conformity with this plan, except the following.
 - 1) Single family detached residences
 - 2) Schools
- e. It is the responsibility of affected cities and counties to ensure that project proponents fulfill the notification requirements of FAR Part 77 and California Public Utilities Code sections 21658 and 21659. Until these requirements are fulfilled, any project that may penetrate the height notification surfaces is deemed to be an incompatible land use. No person is required to notify FAA for any

object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater heights, and would be located in the congested area of city, town, or settlement where it is evident beyond a reasonable doubt that the proposed structure so shielded will not adversely affect safety of air navigation.

- f. In order to conduct an aeronautical study of the effect of a proposal upon navigable airspace, and to make a determination whether the proposal constitutes a hazard to air navigation, Federal Aviation Regulations (FAR) Part 77 require each person proposing any kind of construction or alteration to give notice to the Federal Aviation Administration on form 7460-1, Notice of Proposed Construction or Alteration, if such construction or alteration is:
 - 1) More than 200 feet in height above the ground level at its site, or
 - 2) Of a greater height than an imaginary surface extending outward and upward at a slope of 50 to 1 for a horizontal distance of 10,000 feet from all edges of the runway surface, if the runway is no more than 3,200 feet in length.
- g. California State law, Public Utilities Code sections 21658 and 21659, prohibits the construction of any structure that would constitute a hazard to air navigation, as defined in FAR Part 77, unless:
 - 1) The State Department of Transportation, Division of Aeronautics, issues a permit; however,
 - 2) The permit shall not be required if FAA has determined that the proposed construction does not constitute a hazard to air navigation.
- h. Prior to the approval of a project that may penetrate the adopted height restriction surfaces, the proposal must be submitted to the ALUC for review and determination of compatibility. Affected cities and counties are responsible for submitting the proposal to the ALUC.
- i. Before a proposed project deemed incompatible because it would exceed ALUC adopted standards can be approved, the city or county must take action to override the ALUC. The action to override, including the required findings, is governed by the ALUC law, Chapter 4, Article 3.5 of the California Public Utilities Code.

B. AIRPORT NOISE RESTRICTION AREA

Most complaints concerning airports are related to noises generated by aircraft operations. At low levels, noise in the area around an airport is normally tolerated; however, as exposure to noise increases, it begins to interfere with sleep, conversation, school, business, and recreational activities. The effect of noise interference on normal activities is most often described in terms of annoyance.

Annoyance is a measure of the general adverse reaction people have to noise that causes interference to their normal lives. Currently the best measure of this response to noise is the percentage of the affected population that can be characterized as "highly annoyed" by long term exposure to noise at a specified level. Community response is a term used to describe annoyance of groups of people exposed to noise sources in residential settings.

The variability in the way individuals react to noise makes it impossible to accurately predict how an individual will react to a given noise. When a community or impacted area is considered as a whole; however, trends emerge that relate noise to annoyance.

The studies of community reaction to noise have shown that the community response to aircraft noise is affected not only by how loud the noise is, but also how often the noise occurs. A study in 1970 (Schultz) analyzed the findings of a number of surveys and developed a curve that relates transportation noise exposure to annoyance in communities. This relationship has become the generally accepted model for assessing the effects of long term noise exposure on communities. In 1992, another study (U.S. Air Force-Finegold) came to similar conclusions. Thus, the "Schultz Curve" remains the best source of empirical noise exposure-effect information to predict community response to transportation noise. Annoyance is thus the recommended measure of community impact.

It should be noted that complaints are not an accurate measure of impact. A study in 1985 (Luz, Raspt and Schomer) supports use of annoyance, not complaints. Annoyance can exist without complaints and complaints can occur without annoyance. The current body of information indicates that complaints are an inadequate indicator of the full extent of noise effects on a community or group of people.

Figure 5 illustrates common sound levels and Figure 6 depicts community response to transportation noise.

1. Findings

- a. There is adequate data to indicate that noise can be annoying to people, particularly those exposed to higher sound levels, and that annoyance to noise can be predicted by the Schultz Curve.
- b. Based on studies of noise, the State of California has established noise standards in the California Code of Regulations, Title 21, Subchapter 6. These standards designate the Community Noise Equivalency Level (CNEL) as the noise rating method to be used at airports in California. The criteria established by the code for airports with four-engine turbojet or turbofan aircraft and 25,000 annual operations is 65 dB CNEL.
- c. For land uses within the noise contour of the state mandated criteria, 65 dB CNEL, the State has deemed the following land uses to be incompatible:
 - 1) Single-family dwellings
 - 2) Multi-family dwellings
 - 3) Trailer parks
 - 4) Schools of standard construction

FIGURE 5
COMMON SOUND LEVELS

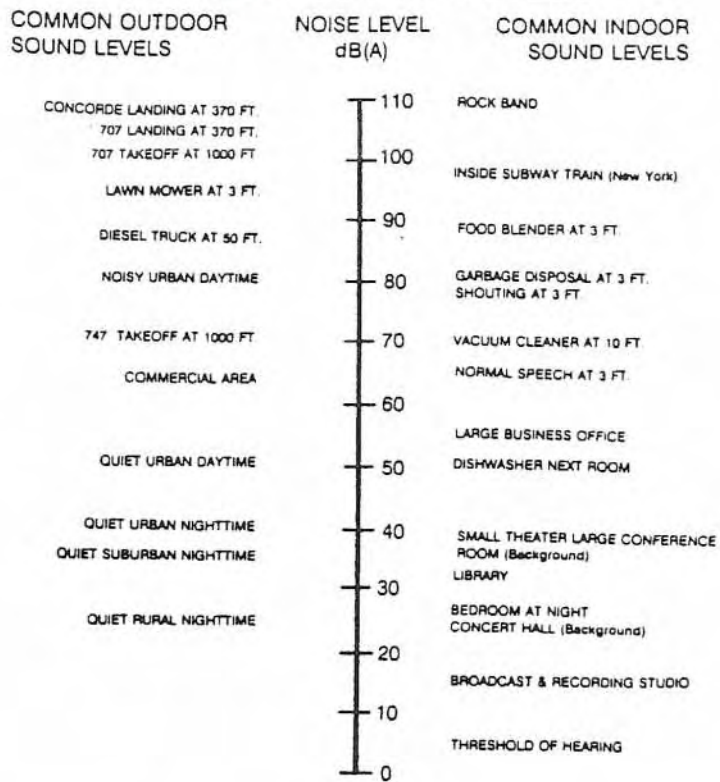
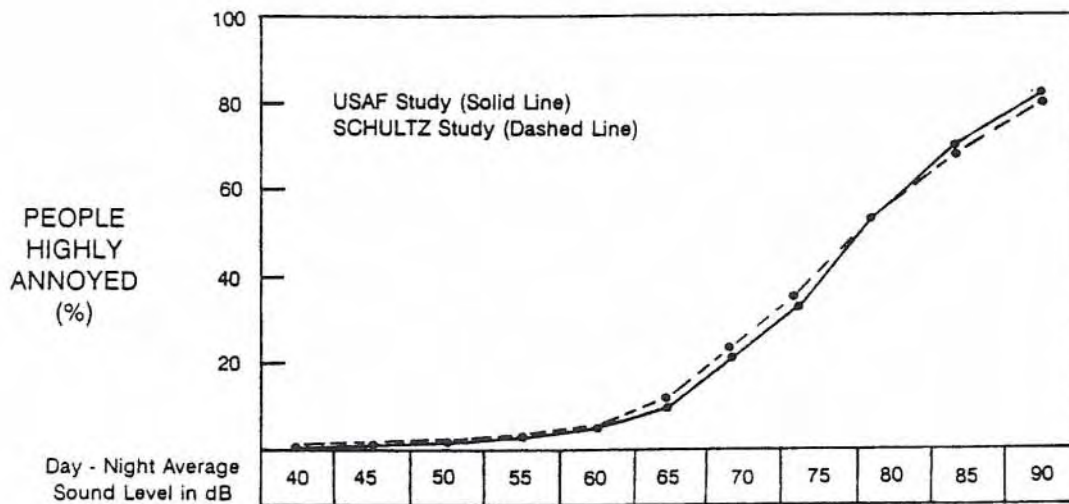


FIGURE 6
COMMUNITY RESPONSE TO NOISE



Source: Federal Agency Review of Selected Airport Noise Analysis Issues, Regional Interagency Committee on Noise, August 1992

- d. The State has established noise reduction requirements for new hotels, motels, apartment houses, and other dwelling units, except single family dwellings, in the California Administrative Code, Title 25, Section 28. The code establishes a standard that limits noise to 45 dB CNEL, with windows closed, in any habitable room in affected dwellings. For residential dwellings, other than single family detached, in areas having an airport caused CNEL greater than 60 dB, the code requires an acoustical study showing that the structure has been designed to meet the interior standard of 45 dB CNEL.
- e. Based on studies of building materials and construction types, the following noise reduction estimates for common building construction have been calculated:

Noise Reduction from Common Building Construction*

<u>Construction Type</u>	<u>Range of Noise Reduction (dB)**</u>
Wood frame, stucco or wood sheathing exterior. Interior drywall or plaster. Sliding glass windows, with windows partially open.	15-20
Same as above, but with windows closed.	25-30
Same as 1 above, but with fixed 1/4 inch plate glass windows.	30-35
Steel or concrete frame, curtain wall, or masonry exterior wall. Fixed 1/4 inch plate glass windows.	30-40

* Range depends on the amount windows are open, degree of window seal, and glass area of windows.

** dB is used to express the relative loudness of sound according to the frequency range to which the human ear is most sensitive.

Source: Noise Insulation Problems in Buildings, Paul S. Veneklasen and Associates, 1973.

- f. Practical noise control techniques are available to improve the noise reduction of common building construction by an additional 10 to 20 dB. The techniques include:
 - 1) Heavy weatherstripping of exterior doors.
 - 2) Fixed, sealed, double-pane windows with forced ventilation or air conditioning.

- 3) Elimination of baffling or openings through exterior walls, including wall air conditioning units, mail slots, and attic and crawl space vents.
- 4) Adding materials to ceiling surfaces where no attics exist.
- g. Noise contours do not currently exist for the Borges-Clarksburg Airport which can be used to delineate surrounding land, if any, impacted by aircraft noise.
- h. Land uses located adjacent to the Airport are those which are not sensitive to the impact of aircraft noise. No noise-sensitive land uses are currently anticipated to be developed in areas having the potential to be impacted by aircraft noise.

2. Policies

- a. In the event that airport operations exceed 15,000 annual takeoffs and landings for two years in a row, it is recommended that Yolo and Sacramento Counties have prepared a noise study to determine the location of the 65 CNEL noise contour. Future residential development within the established 65 CNEL contour would subsequently be considered an incompatible land use.

Caution: Land use compatibility is determined by comparing proposed land use against height, noise and safety guidelines. Proposed land uses must be compatible each.

3. Implementation

- a. ALUC adoption of this plan sets in motion a 180 day period, within which each city or county with jurisdiction over a geographic area subject to this plan must take one of two following possible actions:
 - 1) The first option is to amend its General Plan and other land use controls and regulations, where necessary, to be consistent with this plan.
 - 2) The second option, if the city or county does not concur with provisions of this plan, is to overrule any portion of the plan with which it does not agree. The overruling must, however, be by a two-thirds vote of the governing body and must be based on written and adopted findings that the action to overrule is consistent with Section 21670 of the California Public Utilities Code.

Section 21670 of the California Public Utilities code makes it clear that the purpose of the California Airport Land Use Commission Law is to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards.

- b. Upon adoption of this plan, existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use.
- c. Upon adoption of this plan, no incompatible land use, building, or structure may be expanded, except the following.
 - 1) Single family detached residences
 - 2) Schools that would increase in capacity by less than one-third ($1/3$) exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be conformity with this plan, except the following.
 - (1) Single family detached residences
 - (2) Schools
- e. Prior to the amendment of the general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation that would affect land that lies within the airport area of influence, the proposal must submitted to the ALUC for review and determination of compatibility. Affected cities and counties are responsible for submitting the proposal to the ALUC.
- f. Before a proposed project deemed incompatible because it would exceed ALUC adopted noise guidelines can be approved, the city or county must take action to override the ALUC. The action to override, including the required findings, is governed by the Airport Land Use Commission Law, Chapter 4, Article 3.5 of the California Public Utilities Code.
- g. Cities and counties are responsible for ensuring that an acoustical study is completed for residential projects, other than single family detached, having an airport caused noise impact greater than 60 dB CNEL that shows the structures are designed to meet the interior noise level standard of 45 dB CNEL.

C. AIRPORT SAFETY RESTRICTION AREA

Areas around airports are exposed to the possibility of aircraft accidents even with well-maintained aircraft and highly trained pilots. Despite stringent maintenance requirements and countless hours of training, history makes it clear that accidents are going to occur.

Airport safety areas are established to minimize the number of people exposed to aircraft crash hazards. This is accomplished by placing restrictions on land uses in various safety areas.

This plan designates three safety areas: the clear zone, the approach-departure zone, and the overflight zone. The clear zone is near the end of the runway and is the most restrictive. The approach-departure zone is located under the takeoff and landing slopes and is less restrictive. The overflight zone is the area under the traffic pattern and is even less restrictive.

The dimensions of the safety areas were determined by evaluating FAA safety zone dimensions, by analyzing historical aircraft accident data and by evaluating safety zone dimensions that encompass significant hazard areas.

The risk of people on the ground being killed or injured by a falling plane is small; however, an aircraft crash is a high consequence event and when a crash does occur, the result is often catastrophic. Because of this, most attempts at setting safety standards on the ground have not attempted to estimate accident probabilities. They have, instead, approached safety standards by determining compatible land uses assuming a crash would occur. This plan is based on that approach.

The National Transportation Safety Board (NTSB) maintains extensive data on aviation accidents and their causes. Although the NTSB collects data on all accidents, it is primarily the characteristics of accidents near airports, usually within one mile of the airport that are of greatest concern in land use planning.

Accident data indicates that for general aviation aircraft, landing is by far the general phase of operation with the most accidents. In a 1974-79 study, 68% of all major accidents were related to landing, while only 32% were related to takeoff. For those accidents near a major airport, defined as off airport property but within one mile, the accidents were almost evenly divided. Of these near airport major accidents, 3,185 were related to takeoff and 3,241 were related to landing. Of near airport accidents, initial climb is the most dangerous specific phase of operation.

FIGURE 7

MAJOR GENERAL AVIATION ACCIDENTS ON OR NEAR AIRPORT BY TYPE OF OPERATION (1974-79)		
	PHASE OF OPERATION	NO. OF ACCIDENTS
<u>TAKEOFF</u>		
On Airport:	Run	1,251
	Aborted Takeoff	<u>384</u>
		1,635
Near Airport:	Initial Climb	<u>3,185</u>
Takeoff Total		4,820
<u>LANDING</u>		
On Airport:	Level-off - Touchdown	3,909
	Roll	<u>3,336</u>
		7,245
Near Airport:	Final Approach - Visual	1,706
	Go Arouds - Visual	653
	Final Approach - Instrument	228
	Initial Approach	61
	Missed Approach - Instrument	<u>51</u>
	Traffic Pattern - Circling	<u>542</u>
		3,241
Landing Total		<u>10,486</u>
GRAND TOTAL		15,306
(Major accident: Aircraft destroyed or substantially damaged) Source: NTSB Note: Near airport is defined as off airport property, but within one mile of airport.		

1. Findings

- a. For all accidents, both on and off an airport, landing is the most dangerous phase of operation of general aviation aircraft.
- b. For accidents off the airport but within one mile of the airport, landing and takeoff accidents are evenly divided.
- c. Initial climbout after takeoff, final approach when landing, and traffic pattern circling and go-arounds by general aviation aircraft all have high rates of accidents in the area off the airport but within one mile.
- d. The hazard to people and buildings in the overflight zone is less than in areas near the ends of the runways. There is, however, a significant potential for accidents in this area under airport traffic patterns.
- e. Designation of safety zones around the airport and restriction of incompatible land uses can reduce the public's exposure to safety hazards from aircraft operation.
- f. Certain types of land uses have been recognized as hazards to air navigation. They are:
 - 1) Land uses that attract large concentrations of birds within approach-climbout areas.
 - 2) Land uses that produce smoke.
 - 3) Land uses with flashing lights.
 - 4) Land Uses that reflect light.
 - 5) Land uses that generate electronic interference.
 - 6) Land uses related to flammable materials.

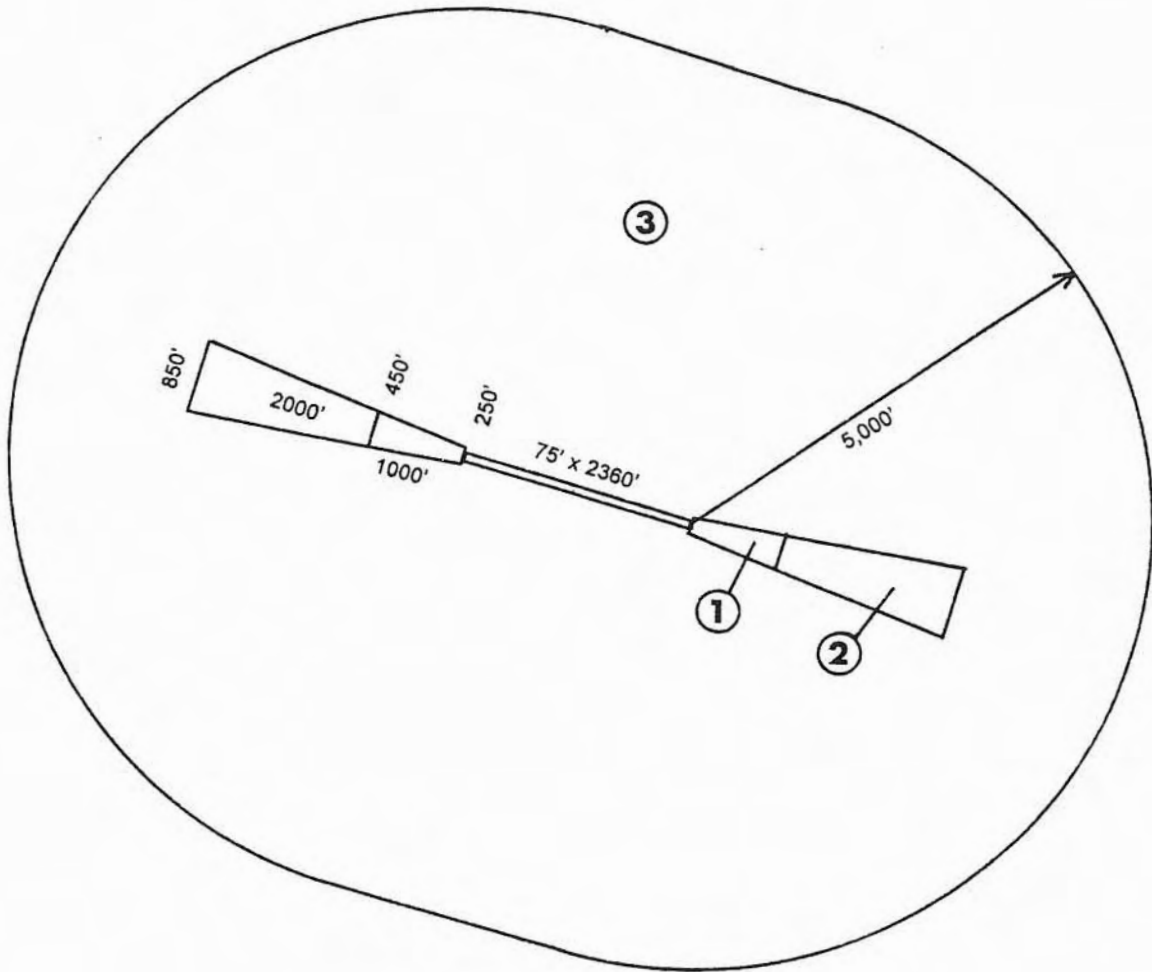
2. Policies

- a. The ALUC designates the following airport safety zones for Borges- Clarksburg Airport:
 - 1) Clear Zone. Begins at the end of the primary surface, at the runway ends, and is centered along the extended runway centerline. It has an inner width of 250 feet, extends outward for a length of 1,000 feet and has an outer width of 450 feet.
 - 2) Approach/Departure Zone. Begins at the outer end of the Clear Zone and is centered along the extended runway centerline. It has an inner width of 450 feet, extends outward for a length of 2,000 feet, and has an outer width of 850 feet.
 - 3) Overflight Zone. Generally coincides with the area overflown by aircraft during normal traffic pattern procedures and coincides with the area under the horizontal surface, but outside of the Clear and Approach/Departure Zones.

Figure 8 shows the safety zones in detail. Figure 9 shows all safety zones overlaid on the airport.

FIGURE 8

AIRPORT SAFETY ZONES



- ① CLEAR ZONE
- ② APPROACH/DEPARTURE ZONE
- ③ OVERFLIGHT ZONE

BORGES-CLARKSBURG AIRPORT SAFETY ZONES

- ① CLEAR ZONE
- ② APPROACH/DEPARTURE ZONE
- ③ OVERFLIGHT ZONE

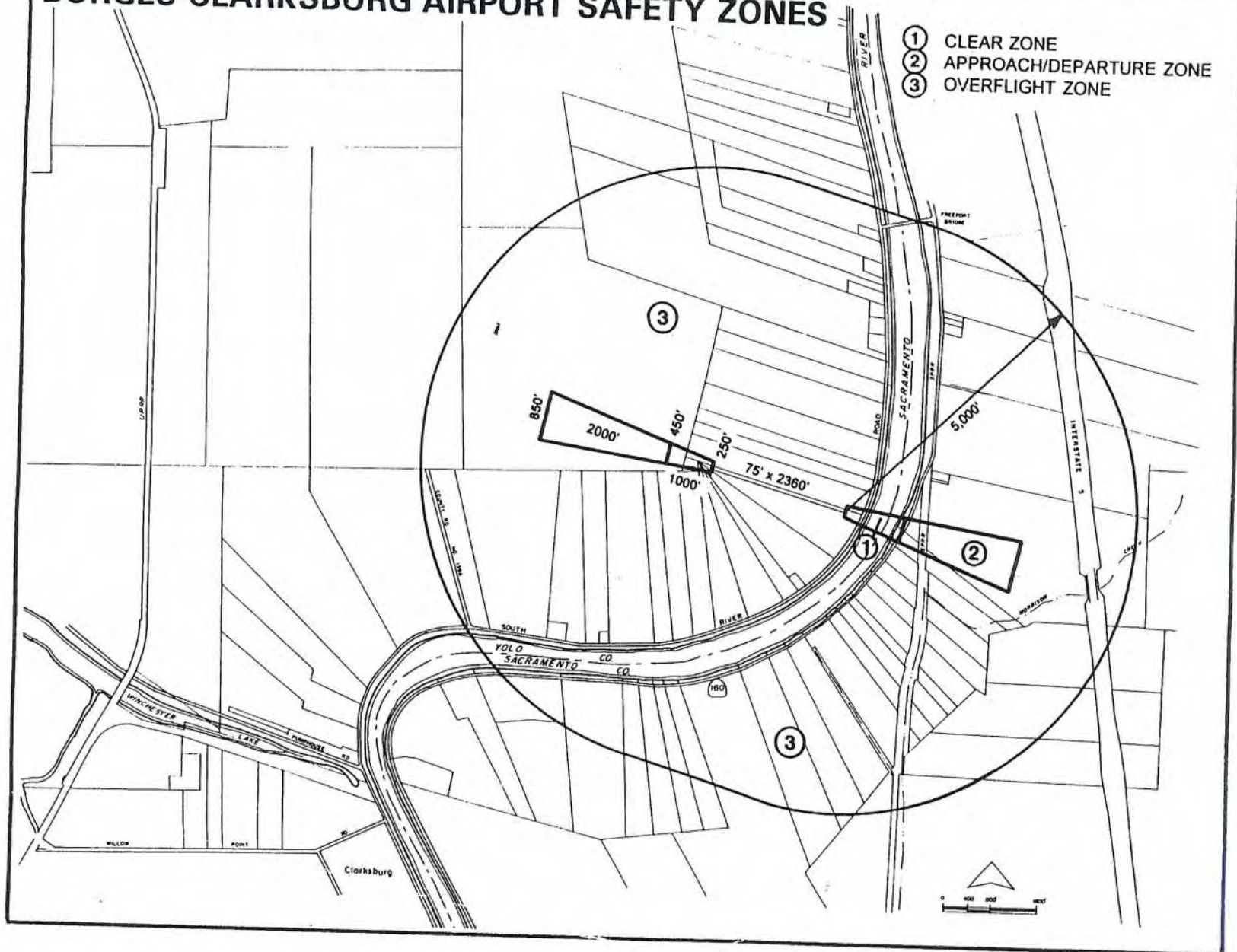


FIGURE 9

b. The following land uses are incompatible in the Clear Zone and the Approach/Departure Zone:

- 1) Any use that would direct a steady or flashing light of white, red, green, or amber color toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing, other than an FAA approved navigational signal light or visual approach slope indicator.
- 2) Any use that would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following take-off or toward an aircraft engaged in a straight final approach toward a landing.
- 3) Any use that would generate smoke, attract large concentrations of birds, or otherwise affect safe air navigation.
- 4) Any use that would generate electrical interference that could be detrimental to the operation of aircraft or airport instrumentation.
- 5) Any hazardous installations such as: above-ground oil, gas or chemical storage facilities, but excluding facilities for non-commercial, private domestic, or private agricultural use.

Caution: Land use compatibility is determined by comparing proposed land use against height, noise and safety guidelines. Proposed land uses must be compatible each.

c. The Land Use Compatibility Guidelines for Safety are adopted for the determination of compatible land uses in the Airport Area of Influence.

BORGES-CLARKSBURG AIRPORT

LAND USE COMPATIBILITY GUIDELINES FOR SAFETY

LAND USE CATEGORY and (Standard Industrial Classification Code)	COMPATIBILITY WITH		
	CLEAR ZONE	APPROACH- DEPARTURE ZONE	OVERFLIGHT ZONE
<u>RESIDENTIAL</u>			
Single-family detached	No	Yes ¹	Yes
Two-family dwelling	No	No	Yes
Multi-family dwelling (3+ families)	No	No	Yes
Group quarters & rooming houses (702, 704)	No	No	Yes
Mobile home parks or courts (6515)	No	No	Yes
<u>MANUFACTURING</u>			
Food & kindred products (20)	No	Yes ²	Yes
Textiles & apparel (22, 23)	No	Yes ²	Yes
Transportation equipment (37)	No	Yes ²	Yes
Lumber & wood products (24)	No	Yes ²	Yes
Furniture & fixtures (25)	No	Yes ²	Yes
Paper & allied products (26)	No	Yes ²	Yes
Printing & publishing (27)	No	Yes ²	Yes
Chemicals & allied products (28)	No	No	No
Asphalt paving & misc. petroleum (295, 299)	No	No	Yes
Petroleum refining (2911)	No	No	No
Rubber & plastics (30)	No	No	No
Stone, clay, glass & concrete products (32)	No	Yes ²	Yes
Primary & fabricated metals (33, 34)	No	Yes ²	Yes
Electrical and electronic equipment (36)	No	Yes ^{2,13}	Yes ¹³
Leather products (31)	No	Yes ²	Yes
Industrial, commercial & computer equipment (35)	No	Yes ^{2,13}	Yes ¹³
Photo, optical & medical equipment (38)	No	Yes ²	Yes
Miscellaneous manufacturing (39)	No	Yes ²	Yes
<u>TRANSPORTATION, COMMUNICATIONS & UTILITIES</u>			
Streets, roads, & highways	No	Yes	Yes
Heavy rail lines: freight & passenger (40)	No	Yes	Yes
Light rail lines: passenger (41)	No	Yes	Yes
Trucking & rail freight terminals (42)	No	Yes ²	Yes
Warehousing & storage (422) ⁴	No	Yes ²	Yes
Passenger terminals & stations	No	No	Yes
Water transportation: freight & passenger (44)	No	Yes	Yes
Parking lots (752)	No	Yes ²	Yes
Transportation services (47)	No	Yes ^{2,5}	Yes
Radio, TV & telephone (48)	No	No	Yes ¹³
Courier service (4215)	No	Yes ²	Yes
Electrical & natural gas generation & switching (491, 492)	No	No	Yes ¹³
Natural gas & petroleum pipelines & storage (46)	No	No	Yes
Water treatment plants (494)	No	No	Yes ⁶
Sewer treatment plants (4952)	No	No	Yes ⁶
Sanitary landfills (4953)	No	No	Yes ⁶
Recycling & transfer facilities (4953) ⁷	No	Yes ^{2,6}	Yes ⁶
Hazardous material facilities (4953)	No	No	Yes ⁶

**BORGES-CLARKSBURG AIRPORT
LAND USE COMPATIBILITY GUIDELINES FOR SAFETY**

LAND USE CATEGORY and (Standard Industrial Classification Code)	COMPATIBILITY WITH		
	CLEAR ZONE	APPROACH- DEPARTURE ZONE	OVERFLIGHT ZONE
<u>WHOLESALE TRADE</u>			
Paints, varnishes & supplies (5198)	No	No	Yes
Chemicals & allied products	No	No	Yes
Petroleum truck terminals	No	No	Yes
Miscellaneous wholesale trade	No	Yes ²	Yes
<u>RETAIL TRADE</u>			
Department & variety stores (single) (53)	No	No	Yes
Lumber, building materials & nurseries (521, 526)	No	Yes ²	Yes
Grocery stores & drug stores (54)	No	No	Yes
Paint, glass, wallpaper & hardware (523, 525)	No	No	Yes
Auto, truck, boat & RV dealers (55)	No	Yes ²	Yes
Mobile home dealers (527)	No	Yes ²	Yes
Auto & truck service stations (554)	No	No	Yes
Fuel dealers (598)	No	No	Yes
Apparel & shoes (56)	No	No	Yes
Home furnishings (57)	No	No	Yes
Eating & drinking (58)	No	No	Yes
Miscellaneous retail trade (59)	No	No	Yes
<u>BUSINESS & PERSONAL SERVICES</u>			
Auto, truck, boat, RV & miscellaneous repair (75, 76)	No	Yes ²	Yes
Mobile home repair (1521)	No	Yes ²	Yes
Commercial laundries & cleaning (721)	No	Yes ²	Yes
Coin-operated laundries (7215)	No	No	Yes
Photographers, beauty & barber, shoe repair (722-725)	No	No	Yes
Funeral services (726)	No	No	Yes
Business services (73)	No	Yes ²	Yes
Computer programming & data processing (737)	No	No	Yes
Travel agencies (4724)	No	No	Yes
Legal & engineering (81, 87)	No	No	Yes
Banks, credit unions & financial (63, 64, 65)	No	No	Yes
Hotels, motels, inns, bed & breakfast (701)	No	No	Yes
Business parks & industrial clusters	No	Yes ^{2,8}	Yes
Office buildings (offices for rent or lease)	No	No	Yes
Business & vocational schools (824, 829)	No	No	Yes
Construction businesses (15, 16, 17)	No	Yes ²	Yes
Miscellaneous personal services (729)	No	No	Yes
<u>SHOPPING DISTRICTS</u>			
Neighborhood shopping centers	No	No	Yes
Community shopping centers	No	No	Yes
Regional shopping centers	No	No	No

BORGES-CLARKSBURG AIRPORT

LAND USE COMPATIBILITY GUIDELINES FOR SAFETY

LAND USE CATEGORY and (Standard Industrial Classification Code)	COMPATIBILITY WITH		
	CLEAR ZONE	APPROACH- DEPARTURE ZONE	OVERFLIGHT ZONE
<u>PUBLIC AND QUASI-PUBLIC SERVICES</u>			
Post offices (53)	No	No	Yes
Government offices (91-96)	No	No	Yes
Government social services (83)	No	No	Yes
Elementary & secondary schools (821)	No	No	Yes ⁹
Colleges & universities (822)	No	No	No
Hospitals (806)	No	No	No
Medical & dental laboratories (807)	No	Yes ²	Yes
Doctor & dentist offices (801-804)	No	No	Yes
Museums & art galleries (84)	No	No	Yes
Libraries (823)	No	No	Yes
Churches (866)	No	No	Yes
Cemeteries (6553)	No	Yes ^{2,10}	Yes
Jails & detention centers (9223)	No	No	No
Child care programs (6 or more children) (835)	No	No	Yes
Nursing care facilities (805)	No	No	Yes
<u>RECREATION</u>			
Neighborhood parks	No	No	Yes
Community-wide & regional parks	No	No	Yes
Riding stables (7999)	No	Yes ²	Yes
Golf courses (7992)	No	Yes ^{2,11}	Yes
Open space & natural areas	Yes ^{3,6}	Yes ^{2,6,12}	Yes ⁶
Natural water areas	Yes ^{3,6}	Yes ^{2,6,12}	Yes ⁶
Recreation & amusement centers (793, 799)	No	No	Yes
Physical fitness & gyms (7991)	No	No	Yes
Camps, campgrounds & RV parks (703)	No	No	Yes
Dance halls, studios & schools (791)	No	No	Yes
Theaters - live performance (7922)	No	No	Yes
Motion picture theater - single or double (783)	No	No	Yes
Motion picture theater complex - 3 or more (783)	No	No	No
Professional sports (7941)	No	No	No
Stadiums and arenas	No	No	No
Auditoriums, concert halls, amphitheaters	No	No	No
Fairgrounds and expositions (7999)	No	No	No
Racetracks (7948)	No	No	No
Theme parks	No	No	No

BORGES-CLARKSBURG AIRPORT

LAND USE COMPATIBILITY GUIDELINES FOR SAFETY

LAND USE CATEGORY AND (Standard Industrial Classification Code)	COMPATIBILITY WITH		
	CLEAR ZONE	APPROACH- DEPARTURE ZONE	OVERFLIGHT ZONE
<u>AGRICULTURE AND MINING</u>			
Row & field crops (011, 013, 016)	Yes ^{3,6}	Yes ^{2,6}	Yes ⁶
Tree crops (012)	No	Yes ^{2,6}	Yes ⁶
Intensive livestock (021, 024, 027)	No	Yes ^{2,6}	Yes ⁶
Nursery products (018)	No	Yes ^{2,6}	Yes ⁶
Poultry (025)	No	Yes ^{2,6}	Yes ⁶
Pasture & grazing	Yes ^{3,6}	Yes ^{2,6}	Yes ⁶
Agricultural services (7)	No	Yes ²	Yes
Mining & quarrying (10, 12, 14)	No	Yes ^{2,6}	Yes ⁶
Oil & gas extraction (13)	No	No	Yes

FOOTNOTES:

- ¹ Single family residential is a compatible land use only if the density is five acres or more per single family residence.
- ² Uses compatible only if they do not result in a large concentration of people. A large concentration of people is defined as a gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during any 24 hour period ending at midnight, not to exceed 50 persons per acre at any time. (See Appendix A)
- ³ No building, structures, above-ground transmission lines, or storage of flammable or explosive material above ground, and no uses resulting in a gathering of more than 10 persons per acre at any time.
- ⁴ No bulk petroleum products or chemical storage.
- ⁵ Tour operator passenger facilities not allowed.
- ⁶ Uses compatible only if they do not result in a possibility that a water area may cause ground fog or result in a bird hazard.
- ⁷ Household hazardous waste facilities operated as part of an integrated waste management program and resulting in only temporary storage of materials is allowed.
- ⁸ Uses in buildings must be compatible.
- ⁹ Use compatible only if requirements of California Education Code, Sections 39005.7, 81036 and 81038 are fulfilled.
- ¹⁰ No chapels or funeral homes.
- ¹¹ No club houses, bars, restaurants or banquet facilities. Ancillary uses such as pro shops, snack bars, and specialty food and beverage services are allowed. New course layouts and revisions to existing courses must be reviewed by the ALUC for safety impacts.
- ¹² No high intensity uses or facilities, such as structured playgrounds, ball fields, or picnic pavilions.
- ¹³ No uses that would cause electrical interference that would be detrimental to the operation of aircraft or aircraft instrumentation

3. Implementation

- a. ALUC adoption of this plan sets in motion a 180 day period, within which each city or county with jurisdiction over a geographic area subject to this plan must take one of the two following actions.
 - 1) The first option is to amend its General Plan and other land use controls and regulations, where necessary, to be consistent with this plan.
 - 2) The second option, if the city or county does not concur with provisions of this plan, is to overrule any portion of the plan with which it does not agree. The overruling must, however, be by a two-thirds vote of the governing body and must be based on written and adopted findings that the action to overrule is consistent with Section 21670 of the California Public Utilities Code.

Section 21670 of the California Public Utilities Code makes it clear that the purpose of the California Airport Land Use Commission Law is to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards.

- b. Upon adoption of this plan, existing incompatible land uses may continue; however, no incompatible land use may be changed to another incompatible land use.
- c. Upon adoption of this plan, no incompatible land use, building, or structure may be expanded, except:
 - 1) Single family detached residences.
 - 2) Schools that would increase in capacity by less than one-third (1/3).
- d. If any incompatible land use, building, or structure is damaged and the damage exceeds 50 percent of the value of the use, building, or structure, any subsequent land use must be in conformity with this plan, except the following:
 - 1) Single family detached residences.
 - 2) Schools
- e. Prior to the amendment of the general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation that would affect land that lies within the airport area of influence, the pro-posal must be submitted to the ALUC for review and determination of compatibility. Affected cities and counties are responsible for submitting the proposal to the ALUC.
- f. Before a proposed project deemed incompatible because it would exceed ALUC adopted land use guidelines can be approved, the city or county must take action to override the ALUC. The action to override, including the required findings, is governed by the Airport Land Use Commission Law, Chapter 4, Article 3.5, of the California Public Utilities Code.

IV. ADDITIONAL REQUIREMENTS FOR LAND USE CONSISTENCY

In addition to the land use compatibility requirements contained in the Airport Land Use Commission Law, there are other requirements in the Public Utilities Code and the Education Code for projects proposed near airports.

A. PUBLIC UTILITIES CODE

Section 21655: Notification to, and investigation by department before acquiring site for state building.

Notwithstanding any other provision of law, if the proposed site of any state building is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the state agency or office which proposes to construct the building shall, before acquiring title to property for the new state building or for an addition to a present site, notify the Department of Transportation, in writing, of the proposed acquisition. The Department shall investigate the proposed site and, within 25 days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building, a written report of the investigation and its recommendations concerning acquisition of the site.

Section 21656: Permit for structures having height in excess of prescribed maximum: Exception where approval by federal agency required.

No person shall erect or add to the height of any structure within the boundaries of this state which will result in a structure that extends more than 500 feet above the ground on which such structure rests until a permit therefor has been issued for such purpose by the Department of Transportation. This section is not applicable to the construction of any structure if the Federal Communications Commission is required to approve the height of the structure or if the height of the structure is required to be approved under the Federal Aviation Act of 1958 (Public Law 85-726; 72 State 731).

Section 21658: Prohibition against public utility construction constituting obstruction to air navigation.

No public utility shall construct any pole, pole line, distribution or transmission tower, or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport, in a location with respect to the airport and at a height so as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with Part 77 of the Federal Aviation Regulations, Federal Aviation Administration, or any corresponding rules or regulations of the Federal Aviation Administration, unless the Federal Aviation Administration has determined that the pole, line, tower, or structure does not constitute a hazard to air navigation.

Section 21659: Permit for structure or growth constituting hazard to air navigation under federal regulation: Exceptions

No person shall construct any structure or permit any natural growth to grow at a height so as to constitute a hazard to air navigation, as a hazard to air navigation is defined in accordance with the regulations of the Federal Aviation Administration relating to objects affecting navigable airspace contained in Title 14 of the Code of Federal Regulations, Part 77, unless a permit allowing the construction or growth is issued by the Department of Transportation.

The permit shall not be required if the Federal Aviation Administration has determined that the construction or growth does not constitute a hazard to air navigation or would not create

an unsafe condition for air navigation. The previous paragraph does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.

Section 21661.5: Approval of plan for new airport

No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of chapter of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

Section 21661.6: Submission and approval of plan for expanding publicly owned airport: Conformity to approved plan, and approval of variance

Prior to the acquisition of land by any political subdivision for the purpose of expanding or enlarging an existing publicly owned airport, the acquiring entity shall submit a plan of such expansion or enlargement to the board of supervisors of the county, or the city council of the city, in which property proposed to be acquired is located.

The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired. The board of supervisors or the city council, as the case may be, shall, upon notice, conduct a public hearing on such plan, and shall thereafter approve or disapprove the plan. Upon approval the plan, the proposed acquisition of property may begin.

The use of property so acquired shall thereafter conform to the approved plan, and any variance from such plan, or changes proposed therein, shall first be approved by the appropriate board of supervisors or city council after a public hearing on the subject of the variance or plan change.

The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports.

Section 21662: Approval of airport sites and issuance of airport permits

The Department of Transportation shall have the authority to issue airport site approval permits, amended airport site approval permits, airport permits, and amended airport permits. No charge shall be made for the issuance of any permit.

B. EDUCATION CODE

These sections reflect provisions of the Education Code related to proposed sites near airports.

Section 39005: Investigation of school sites near airports

- (a) The requirements set forth in this section are designed to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites.
- (b) Before acquiring title to property for a new school site, or for an addition to a present site, as to any site that is within two miles, measured by air line, of any point on an airport runway or a potential runway included in an airport master plan that is nearest the site, the governing board of each school district, including any district governed by a city board of education, shall give the Department of Transportation written notice of the proposed acquisition and shall submit any information required by the department. If the Department of Transportation is no longer in operation, the school district governing board shall, in lieu of notifying the Department of Transportation, notify the United States Department of Transportation or any other appropriate agency, in writing, of the proposed acquisition for the purpose of obtaining from the department or other agency any information or assistance that it may desire to give.

The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the Department of Transportation has been received. If the report does not favor the acquisition of the property for a school site or an addition to a present school site, the governing board shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days' notice published once in a newspaper of general circulation within the school district or, if there is no such newspaper, in a newspaper of general circulation within the county in which the property is located.

Section 39006: Notice and public hearing

Notwithstanding Section 39005, immediately after receiving notice of a proposed acquisition of property that is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the Department of Transportation shall make an investigation and report to the school district governing board within 25 days after receipt of the notice. As part of the investigation, the Department of Transportation shall give notice thereof to the owner and operator of the airport who shall be granted the opportunity to comment upon the proposed school site.

Notwithstanding Section 39005, If the report of the Department of Transportation required by that section does not favor the acquisition of the property for a school site, or an addition to a present school site, the governing body shall not acquire title to the property until 30 days after the department's report is received and until the department's report has been read at a public hearing duly called after 10 days notice by publication in a newspaper of general circulation within the school district or, if there is no such newspaper, in a newspaper of general circulation within the county in which the property is located.

Section 39007: Proposed school site within two miles of airport runway

- (a) Except as provided in subdivision (b), if the Department of Transportation, in its report submitted to a school district governing board pursuant to Section 39005 or 39006,

does not favor acquisition of a proposed site that is within two miles of the center line of an active runway, no state funds, school district funds, or funds of the county in which the district lies shall be granted, apportioned, allowed, or expended, in connection with that site, for school site acquisition or school building construction, or for expansion of existing sites and buildings.

- (b) This section does not apply to sites acquired prior to January 1, 1996, nor to any additions or extensions to those sites.
- (c) If the recommendation of the Department of Transportation is unfavorable, the recommendation shall not be overruled without the express approval of the State Allocation Board.

In addition to the land use consistency requirements, the Public Utilities Code contains the following provisions related to land use around airports:

Section 81036: Investigation of community college site near airport

To promote the safety of students, comprehensive community planning, and greater educational usefulness of community college sites, the governing board of each community college district, if the proposed site is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, before acquiring title to property for a new community college site or for an addition to a present site, shall give the board of governors notice in writing of the proposed acquisition and shall submit any information required by the board of governors.

Immediately after receiving notice of the proposed acquisition, the board of governors shall notify the Division of Aeronautics of the Department of Transportation, in writing, of the proposed acquisition. The Division of Aeronautics shall make an investigation report to the board of governors within 25 days after receipt of the notice. If the Division of Aeronautics is no longer in operation, the board of governors shall, in lieu of notifying the Division of Aeronautics, notify the Federal Aviation Administration or any other appropriate agency, in writing of the proposed acquisition for the purpose of obtaining from the authority or other agency such information or assistance as it may desire to give.

The board of governors shall investigate the proposed site and within 30 days after receipt of the notice shall submit to the governing board a written report and its recommendations concerning acquisition of the site. The governing board shall not acquire title to the property until the report of the board of governors has been received. If the report does not favor the acquisition of the property for a community college site or an addition to a present community college site the governing board shall not acquire title to the property until 30 days after the department's report is received and until the board of governors' report has been read at a public hearing duly called after 10 days notice published once in a newspaper of general circulation within the community college district, or if there is no such newspaper, then in a newspaper of general circulation within the county in which the property is located.

Section 81038: Effect of disfavor of acquisition of community college site near airport

If, with respect to a proposed site located within two miles of an operative airport runway, the report of the board of governors submitted to a community college district governing board under Section 81036 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics of the Department of Transportation, no state agency or officer shall grant, apportion, or allow to such community college district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for community college site acquisition or college building construction, or for expansion of existing sites and buildings, and no funds of the community college district or the county in which the district lies shall be expended for such

purposes; provided that the provisions of this section shall be applicable to sites acquired prior to January 1, 1966 nor to any additions to extensions to such sites.

If the recommendation of the Division of Aeronautics is unfavorable, such recommendation shall not be overruled without the express approval of the Board of Governors and the State Allocation Board.

APPENDIX A

AIRPORT LAND USE COMMISSION FOR THE COUNTIES OF SACRAMENTO, SUTTER, YOLO AND YUBA

CONCENTRATION OF PERSONS PER ACRE STANDARDS

1. 10 PERSONS PER ACRE AT ANY TIME - LAND USES ARE COMPATIBLE IF THEY DO NOT RESULT IN A GATHERING OF MORE THAN 10 PERSONS PER ACRE AT ANY TIME.
2. 25 PERSONS PER ACRE AT ANY TIME - LAND USES ARE COMPATIBLE IF THEY DO NOT RESULT IN A GATHERING OF MORE THAN 25 PERSONS PER ACRE AT ANY TIME.
3. AVERAGE OF 25 PERSONS PER ACRE PER HOUR - LAND USES ARE COMPATIBLE IF THEY DO NOT RESULT IN A GATHERING OF INDIVIDUALS IN AN AREA THAT WOULD RESULT IN AN AVERAGE DENSITY OF GREATER THAN 25 PERSONS PER ACRE PER HOUR DURING ANY 24 HOUR PERIOD ENDING AT MID-NIGHT, NOT TO EXCEED 50 PERSONS PER ACRE AT ANY TIME.

These standards are intended protect public health, safety, and welfare by ensuring that large concentrations of people are not allowed in areas exposed to safety hazards within areas around airports.

The standards are applied by including them in Comprehensive Land Use Plans as a condition of compatibility for various land uses.

Implementation of these standards is achieved through Airport Land Use Commission (ALUC) review of development proposals and a determination of compatibility or incompatibility with the standards for the proposed development project.

In order to perform a review for conformity with the concentrations of persons per acre standards and issue a determination, the ALUC must be able to review parcel specific development proposals. Examples of parcel specific development proposals are: tentative maps, site development plans, or conditional use permit applications. General Plan or zoning amendment proposals for large areas usually do not provide sufficient parcel specific or site specific information on which to base a conformity determination on the concentration of persons standard.

The ALUC reserves the sole right to determine if a development proposal contains sufficient site specific information on which to make a determination of conformity with the concentration of persons per acre standards. Development proposals found not to contain

sufficient site specific information on which to make a determination may, at the sole discretion of the ALUC, be deemed to be "Incompatible, due to lack of site specific information", or may be deemed to be "Compatible, subject to conditions placed on the project by the ALUC".

Methodology

1. **10 Persons per Acre at Any Time** - Number of persons per acre is calculated as follows:
 - a. Determine size, in gross acres, of the development proposal or project area using a parcel specific development plan map. If acres are not known, divide project size in square feet by 43,560 to obtain size in acres.
 - b. Determine highest number of persons expected in the proposal or project area at any time during a typical 24 hour period ending at midnight.
 - c. Divide highest number of persons expected at any time during typical 24 hour period by size of proposal or project in acres to determine highest number of persons per acre at any time.

Example 1 - A proposal for an auto parking lot on 9.5 acres operating 24 hours a day. During each shift three employees are on site. It is estimated that fifty cars enter or leave each hour and each car carries 1.5 persons.

Highest Density

1. Project size is 9.5 acres.
2. Persons per hour is $50 \times 1.5 = 75 + 3 \text{ employees} = 78$.
3. Highest density is 78 divided by 9.5, or 8.

In this example the project does not exceed the standard and would be compatible with the concentration standard.

2. **25 Persons per Acre at any Time** - Number of persons per acre is calculated as follows:
 - a. Determine size, in gross acres, of the development proposal or project, using a parcel specific development plan map. If acres are not known, divide project size in square feet by 43,560 to obtain size in acres.
 - b. Determine highest number of persons expected in the proposal or project area at any time during a typical 24 hour period ending at midnight.
 - c. Divide highest number of persons expected at any time during typical 24 hour period by size of proposal or project in acres to determine highest number of persons per acre at any time.

Example 2 - A proposal for a 2.7 acre riding stable with classes taught on riding. Classes are two hours in length and are limited to 10 persons. No spectators are allowed. There are two instructors.

1. Project size is 2.7 acres.
2. Persons per hour is 12.
3. Highest density is 12 divided by 2.7 or 4.

In this example the project does not exceed the standard and would be compatible with the concentration standard.

3.1 Average of 25 Persons per Acre per Hour - Average densities of persons per acre per hour during a 24 hour period are calculated as follows:

- a. Determine size, in gross acres, of the development proposal or project area using a parcel specific development plan map. If acres are not know, divide project size in square feet by 43,560 to obtain size in acres.
- b. Determine number of persons expected in the proposal or project area during each hour people will be in the project area for a typical 24 hours period ending at midnight.
- c. Add number of persons expected to be on the site during each hour of the typical 24 hour period to obtain the total number of persons expected.
- d. Divide the total number of persons expected by the number of hours people will be in the project area to obtain the average number of persons per hour.
- e. Divide the average number of persons per hour by the project size in acres to determine that average density of persons per acre per hour.

3.2 50 Persons Per Acre at Any Time - Number of persons per acre is calculated as follows:

- a. Determine size, in gross acres, of the development proposal or project, using a parcel specific development plan map. If acres are not known, divide project size in square feet by 43,560 to obtain size in acres.
- b. Determine highest number of persons expected in the proposal or project area at any time during a typical 24 hour period ending at midnight.
- c. Divide highest number of persons expected at any time during typical 24 hour period by size of proposal or project in acres to determine highest number of persons per acre at any time.

Example 3.a - A proposal for a 12,000 square foot mobile home repair business on a 200 x 240 foot lot. The business would operate nine hours each day. There would be 30 employees in the building during each hour. During four hours, a total of 15 visitors are expected each hour.

Average Density

1. The size of the project is 200 x 240 feet, or 48,000 square feet. Dividing 48,000 by 43,560 results in a project of 1.1 acres.
2. The number of persons during each hour is 30 during five hours and 45 during four hours.
3. A total of 330 persons will be on the site during the nine hours of operation ($5 \times 30 = 150$ and $4 \times 45 = 180$).
4. The average number of persons per hour is 330 divided by 9 hours, or 37.
5. Average density per acre per hour is 37 divided by 1.1, or 34.

Highest Density

1. The highest number of persons expected at any time is 45. (30 employees and 15 visitors).
2. Size of project is 1.1 acres.
3. Dividing 45 persons by 1.1 acres results in 41 persons per acre.

In this example the project exceeds the 25 persons per acre per hour standard, at 34, but does not exceed the maximum density standard of 50 persons per acre at any time, at 41. This project would be incompatible with Airport Land Use Commission standards.

Example 3.b - A proposal for a sheet metal fabrication facility on 2.5 acres. The facility will have a fabricating building, a warehouse, and a shipping dock. The facility will operate two eight hour shifts. One shift as 45 workers and the other has 30. No customers come to the facility.

Average Density

1. Project size is 2.5 acres.
2. Persons per hour is $45 \times 8 = 360$ and $30 \times 8 = 240$.
3. Total persons is 600 during 16 hours of operation.
4. Average persons per hour is 600 divided by 16 = 37.5.
5. Average density per acre per hour is 37.5 divided by 2.5, or 15.

Highest Density

1. Highest number of persons expected at any time is 45.
2. Size of project is 2.5 acres.
3. Highest density is 45 divided by 2.5, or 18.

In this example the project does not exceed either the 25 persons per acre per hour standard, or the 50 persons per acre at any time standard. This project would be compatible with Airport Land Use Commission standards.

Example 3.c - A proposal for a high technology repair facility on 2.3 acres. The facility will operate two eight hour shifts. One shift has 75 workers and the other has 65. No customers come to the facility.

Average Density

1. Project size is 2.3 acres.
2. Persons per hour is $75 \times 8 = 600$ and $65 \times 8 = 520$.
3. Total persons is 1,120 during 16 hours of operation.
4. Average persons per hour is 1,120 divided by 16 = 70.
5. Average density per acre per hour is 70 divided by 2.3, or 30.

Highest Density

1. Highest number of persons expected at any time is 75.
2. Size of project is 2.3 acres.
3. Highest density is 75 divided by 2.3, or 32.

In this example the project exceeds the 25 persons per acre per hour standard, at 30, but does not exceed the maximum density of 50 persons per acre at any time, at 32. This project would be incompatible with Airport Land Use Commission standards, due to the fact the 25 persons per acre per hour standard is exceeded.

Revised 12/17/92

APPENDIX B

AERONAUTICS LAW - STATE AERONAUTICS ACT

PUBLIC UTILITIES CODE (CHAPTER 4, ARTICLE 3.5)

AIRPORT LAND USE COMMISSION

(Revised 11/15/94)

Creation; Membership; Selection

21670. (a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be

increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.

(e) A person having an "expertise" in aviation: means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport. The commission shall be constituted pursuant to this section on and after March 1, 1988.

Action by Designated Body Instead of Commission

21670.1. (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) which does not include among its membership at least two members having an expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that the body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to its subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1) of this subdivision, that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the comprehensive airport land use plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the comprehensive airport land use plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the comprehensive airport land use plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the comprehensive airport land use plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each comprehensive airport land use plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (3) within 120 days, then the plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of non compliance by the division and a plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of comprehensive land use plans with the Division of Aeronautics under the California Aid to Airports Program (Title 21 (commencing with Section 4050) of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the plans:

(1) Agree to adopt and implement the comprehensive airport plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are

compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following condition are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph 2 of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

Applicability to Los Angeles County

21670.2 (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning commission has the responsibility for coordinating 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 county regional planning commission by any public agency involved. The action taken by the county regional planning commission 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.

(b) By January 1, 1992, the county regional planning commission shall adopt the comprehensive land use plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the comprehensive land use plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the plans are adopted.

Applicability to Mendocino County

SEC. 1. 21670.3 (a) Notwithstanding the deadlines in Sections 21671.5 and 21675.1, the commission in the County of Mendocino shall adopt the comprehensive land use plans required pursuant to Section 21675 by June 30, 1993, for all public airports in the county except the Willits Municipal Airport.

(b) Until the commission adopts a comprehensive land use plan, the city or county shall first submit all actions, regulations, and permits within the vicinity of a

public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land which will be included or reasonably could be included within the plan. If the commission has not designated a study area for the plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted plan if the action, regulation, or permit is ultimately inconsistent with the plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two thirds vote of its governing body, if it makes specific findings that the proposed action, regulation or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate the airport is not liable for damages to property or personal injury resulting or county's decision to proceed with the action, regulation or permit.

(g) A commission may adopt rules and regulations which exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1993.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

(h) Until June 30, 1993, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in the County of Mendocino.

(i) This section shall become inoperative on June 30, 1993, and is repealed on that date.

SEC. 2. In enacting Section 21670.3 of the Public Utilities Code pursuant to Section 1 of this bill, the Legislature finds and declares that:

(a) The Legislature has not extended the deadlines in Sections 21671.5 and 21675.1 of the Public Utilities Code for the Willits Municipal Airport.

(b) This act shall have no effect on the pending litigation brought by the City of Willits regarding the lack of a comprehensive land use plan for the Willits Municipal Airport.

(c) The Legislature does not intend to further extend the deadlines in Sections 21671.5 and 21675.1 of the Public Utilities Code for the County of Mendocino.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the commission in the County of Mendocino. The facts constituting the special circumstances are:

There are unique problems involved for the commission in preparing the comprehensive land use plans with sufficient resources and broad public involvement, taking into consideration such factors as the county's natural resources and lands of high scenic values.

Airport Owned by a City, District, or County; Appointment of Certain Members by Cities and Counties

21671. In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

Term of Office; Removal of Members; Vacancies; Compensation; Staff Assistance; Meetings

21671.5 (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body which originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him or her. The expiration date of the term of

office of each member shall be the first Monday in May in the year in which his or term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes, and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission which has not adopted the comprehensive land use plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the land use plans are complete by that date, may continue charging fees after June 30, 1992. If the land use plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

Rules and Regulations

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

Initiation of Proceedings for Creation by Owner of Airport

21673. In any county not having a commission or a body designated to carry out

the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

Powers and Duties

21674. The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

Staff Training and Development

21674.5 (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of comprehensive land use plans.

(2) The development of criteria for determining airport land use planning boundaries.

(3) The identification of essential elements which should be included in the comprehensive plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions which the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training and development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

- (1) By offering formal courses or training programs.
- (2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.
- (3) By producing and making available written information.
- (4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

SEC. 2. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the Aeronautics Account in the State Transportation Fund to the Department of Transportation for the purposes of this act.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to assist airport land use commissions to comply with state law requiring the development and adoption of comprehensive land use plans for each public airport in California, and in order to provide for the orderly development of public airports and to provide adequate protection from incompatible land uses in the vicinity of public use airports at the earliest possible time, it is necessary that this act take effect immediately.

Airport Land Use Planning Handbook

SEC. 4. 21674.7. An airport land use commission that formulates, adopts or amends a comprehensive land use plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for this program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Land Use Plan

21675. (a) Each commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. The comprehensive land use plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission may include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any federal military airport for all of the purposes specified in subdivision (a). This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

(d) The commission shall submit to the Division of Aeronautics of the department one copy of the plan and each amendment to the plan.

(e) If a comprehensive land use plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

Date of adoption; review of actions; approval or disapproval

21675.1. (a) By June 30, 1991, each commission shall adopt the comprehensive land use plan required pursuant to Section 21675, except that any county which has undertaken by contract or otherwise completed land use plans for at least one-half of all public use airports in the county, shall adopt that plan on or before June 30, 1992.

(b) Until a commission adopts a comprehensive land use plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land which will be included or reasonably could be included within the plan. If the commission has not designated a study area for the plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

(1) The commission is making substantial progress toward the completion of the plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted plan if the action, regulation, or permit is ultimately inconsistent with the plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations which exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

Failure to Approve or Disapprove

21675.2. (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time

limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

Review of Local General Plans

21676. (a) Each local agency whose general plan includes areas covered by an airport land use commission plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the commission's plan. If the plan or plans are inconsistent with the commission's plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its plans. The local agency may overrule the commission after such hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified.

The local agency may, after a public hearing, overrule the commission by a two thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(c) Each public agency owning any airport within the boundaries of an airport land use commission plan shall, prior to modification of its airport master plan, refer such proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing,

overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the commission's plan.

Review of Local Plans

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the commission plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

Marin County Override Provisions

21677. Notwithstanding Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body.

Airport Owner's Imunity

21678. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676 or 21676.5 overrides a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to override the commission's action or recommendation.

Court Review

21679. (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, which directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction which postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency which took the action does one of the following:

(1) In the case of an action which is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

(2) In the case of an action which is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.

(3) Rescinds the action.

(4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2) of this subdivision, whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision(b) if the local agency which took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

(f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

Action to Postpone Effective Date of Zoning Change, Etc.

21679.5. (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any

county in which the commission or other designated body has not adopted an airport land use plan, but is making substantial progress toward the completion of the plan.

(b) If a commission has been prevented from adopting the comprehensive land use plan by June 30, 1991, or if the adopted plan could not become effective, because of a lawsuit involving the adoption of the plan, the June 30, 1991, date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use plan, but is making substantial progress toward the completion of the plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

APPENDIX C

THE PLANNING AND ZONING LAW (California Government Code)

TITLE 7. PLANNING AND LAND USE

DIVISION 1. PLANNING AND ZONING

Article 5. Authority for and Scope of General Plans

SECTION 1. Section 65302.3 of the Government Code is amended to read:

65302.3. (a) The general plan, and any applicable specific plan prepared pursuant to Article 8, (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.

(b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.

(c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.

SACRAMENTO AREA COUNCIL OF GOVERNMENTS

Michael Hoffacker, Executive Director

AIRPORT LAND USE COMMISSION STAFF

**Peter Hill, Planning Manager
David Boyer, Associate Planner**

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