

Tuolumne County Airport Land Use Compatibility Plan

Tuolumne County, California

Adopted
by
Tuolumne County
Airport Land Use Commission
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Prepared
by
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Introduction

AIRPORT LAND USE COMPATIBILITY PLANNING

Function and Applicability of the Plan

The basic function of this *Tuolumne County Airport Land Use Compatibility Plan* is to promote compatibility between the airports in Tuolumne County and the land uses which surround them. As adopted by the Tuolumne County Airport Land Use Commission, the plan serves as a tool for use by the Commission in fulfilling its duty to review airport and adjacent land development proposals. Additionally, the plan sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to land owners in their design of new development.

The plan is primarily concerned with land uses within a roughly 2- to 3-mile vicinity of the two public-use airports in Tuolumne County: Columbia Airport and Pine Mountain Lake Airport. Certain elements of the plan, though, apply countywide to development actions which may have aviation-related compatibility implications. Details regarding the purpose, scope, and application of the *Compatibility Plan* are set forth in the two policy chapters which follow.

Statutory Requirements

Powers and Duties

Requirements for creation of airport land use commissions (ALUCs) were first established under the California State Aeronautics Act (Public Utilities Code Sections 21670 et seq.) in 1970. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statutes, this purpose is:

“...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.”

The statutes give ALUCs two principal powers by which to accomplish this objective. First, ALUCs must prepare and adopt an airport land use plan. Secondly, they must review the plans, regulations, and other actions of local agencies and airport operators for consistency with that plan.

Limitations

Also explicit in the statutes are two limitations on the powers of ALUCs. Specifically, ALUCs have no authority over existing land uses or over the operation of airports. Neither of these terms is defined within the statutes, although the interpretation of their meaning is fairly standard throughout the state.

Existing Land Uses — The precise wording of the Aeronautics Act is that the authority of ALUCs extends only to land in the vicinity of airports which is “not already devoted to incompatible uses” (Section 21674 (a)). The working interpretation of this language is that ALUCs have no state-empowered authority over existing land uses. The question then becomes one of determining what conditions qualify a land use as existing.

For airport land use planning purposes, a land use can generally be considered existing once the local agency has completed all discretionary actions on the project and only ministerial approvals remain. A vacant property thus can be considered “devoted to” a particular use, even if the activity has not begun, once local government commitments along with substantial construction investments by the property owner make it infeasible for the property to be used for anything other than its proposed use. Local government commitment to a proposal can usually be considered firm once a vesting tentative map has been approved.

It is important to note here that the Tuolumne County Board of Supervisors has granted the Tuolumne County Airport Land Use Commission certain powers which are additional to the authority established by the Aeronautics Act. As discussed in the next section of this chapter, these powers concern review of county ministerial actions on land use projects situated within the influence area of the County’s airports.

Operation of Airports — Any actions pertaining to how and where aircraft operate on the ground or in the air around an airport are clearly not within the jurisdiction of ALUCs to regulate. ALUC involvement with aircraft operations is limited to taking the operational characteristics into account in the development of land use compatibility plans. This limitation on the jurisdiction of ALUCs cannot, however, be taken to mean that they have no authority with respect to new development on airport property. Indeed, the law specifically requires ALUCs to review proposed airport master plans for consistency with the commission’s plans.

Tuolumne County Airport Land Use Commission

Pursuant to state law, the Tuolumne County Airport Land Use Commission was established by Tuolumne County Board of Supervisors action in May 1977. Membership on the Commission follows the standard format specified in the law:

- Two members appointed by the Board of Supervisors;
- Two members appointed by cities (as the only incorporated city in the County, the City of Sonora thus has two appointees);
- Two members appointed by airport managers (with the only two airports both County owned, the Airports Director appoints both); and
- A seventh member, representing the general public, appointed by the other six.

The Tuolumne County Community Development Director serves as the Commission Secretary and staff.

The ALUC adopted its original compatibility plan — entitled *Airport Land Use Policy Plan for the Tuolumne County Airport Land Use Commission* — in November 1979. With minor changes, the original plan has remained in effect since then. It will be replaced with adoption of the new *Airport Land Use Compatibility Plan* represented by this document.

Relationship of ALUC to Tuolumne County Government

The fundamental relationship between the Tuolumne County Airport Land Use Commission and Tuolumne County government is set by the State Aeronautics Act. Although the Commission functions under the general auspices of Tuolumne County government, its decision-making authority is independent of the County Board of Supervisors. The ALUC is not simply an advisory body for the Board of Supervisors in the manner that the Planning Commission is. Rather, it is more equivalent to the Tuolumne County Local Agency Formation Commission (LAFCO). Within the bounds defined by state law, the decisions of the ALUC are final. The County has certain responsibilities with regard to implementation of the plan — or it can override ALUC actions as specified in the law — but the ALUC does not need Board of Supervisors approval in order to adopt the compatibility plan or carry out ALUC land use project review responsibilities.

Plan Preparation and Review

Although the 1977 *Policy Plan* has served the ALUC and Tuolumne County well, it is now more than 20 years old and much of its content is outdated. Many changes have been made to the state laws governing ALUCs since the original plan was adopted. Most of these changes involve procedures by which ALUCs operate and are rather narrow in scope. Perhaps most significant among the amendments is the requirement for local general and specific plans to be made consistent with the Commission's plan. It was in conjunction with this 1982 amendment that the authority of ALUCs to review individual development proposals was modified as

discussed above. Another statute change made at that time was to reduce the vote requirement for a local agency to override an ALUC decision from four fifths to two thirds.

More important with respect to preparation of ALUC plans was completion of the Caltrans 1993 *Airport Land Use Planning Handbook*, which was superceded in January 2002 by the California Airport Land Use Planning Handbook. State law now requires ALUCs to be “guided by” information in the *Handbook* when formulating or amending compatibility plans. Also, another statute enacted in 1994 creates a tie between the *Handbook* and California Environmental Quality Act (CEQA) documents. Lead agencies are now required to use the *Handbook* as “a technical resource” when assessing airport-related noise and safety impacts of projects located in the vicinity of airports.

The major issues associated with this draft *Airport Land Use Compatibility Plan* have been discussed at several meetings of the Tuolumne County Airport Land Use Commission. Additionally, public input was solicited at two workshops held early in the plan preparation process. The draft plan was widely circulated to affected agencies and the general public and was the subject of a public hearing by the Commission.

On June 24, 1999, the Tuolumne County Airport Land Use Commission approved the Tuolumne County Airport Land Use Compatibility Plan. On July 21, 1999, the Airport Land Use Commission rescinded its approval of the Airport Land Use Compatibility Plan on the advice of County Counsel.

On January 31, 2001, the Airport Land Use Commission conceptually approved the Revised Draft Tuolumne County Airport Land Use Compatibility Plan. The Revised Draft Plan consisted of the Draft Airport Land Use Compatibility Plan as modified by the following four addendums adopted by the Commission:

- Revised Addendum, dated June 11, 1999, which added Policy 4.2.6, regarding clustering on development sites and identified an infill area along the southwest side of Parrotts Ferry Road between Springfield Road and State Route 49.
- Addendum #2, dated July 10, 2000, which replaced the use of the Airport Aviation and Airspace Utilization Easement with a deed notice and airport combining zoning district.
- Addendum #3, dated August 15, 2000, which revised Policy 2.4.3 to address specific residential parcels located within Compatibility Zone A at the eastern end of Runway 9-27 at the Pine Mountain Lake Airport.
- Addendum #4, dated September 27, 2000, which expanded the airport influence area boundary and Compatibility Zone D boundary associated with the Pine Mountain Lake Airport to include the horizontal and conical surfaces of Part 77 of the Federal Aviation Regulations.

In the Fall of 2002, following review of the Revised Draft Plan by County Counsel, the Commission again conceptually approved the Plan with the following revisions:

- Clarified the authority of the Airport Land Use Commission under existing state law and the authority granted to the Commission by Tuolumne County for review of land development applications.
- Eliminated the requirement for dedication of an Avigation Easement for land development projects proposed in Compatibility Zones A and B1 and the critical Height Zone.
- Revised the Deed Notice required to be attached to the deed of each parcel located within an airport influence area boundary upon adoption of the plan.

Prior to acting on the Revised Draft Airport Land Use Compatibility Plan, the Tuolumne County Airport Land Use Commission will conduct a public hearing to receive comments from all interested parties.

PLAN IMPLEMENTATION

Tuolumne County General Plan Consistency

As noted above, state law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The local agency must take this action within 180 days of when the ALUC adopts or amends its plan. The only other course of action permitted for local agencies is to override the ALUC by a two-thirds vote after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state law.

A general plan does not need to be identical with the ALUC plan in order to be consistent with it. To meet the consistency test, a general plan must do two things:

- It must specifically address compatibility planning issues, either directly or through reference to a zoning ordinance or other policy document; and
- It must avoid direct conflicts with compatibility planning criteria.

Community general plans often pay little attention to the noise and safety factors associated with airport land use compatibility. Also, some of the designated land uses of property near an airport frequently are contrary to good compatibility planning.

Unlike the typical circumstances, Tuolumne County took special effort to make its new *General Plan*, adopted in December 1996, consistent with the ALUC's *Airport Land Use Policy Plan*. A policy in the Land Use Element states that land uses around the County's airports are to be designated for uses that are consistent with the *Policy Plan* and airport master plans. Accordingly, land use densities in various areas were decreased to correspond to the ALUC criteria. Also, aircraft-related noise concerns were identified in the Noise Element and safety concerns were noted in the Columbia Community Plan.

The ALUC reviewed the draft *General Plan* prior to its adoption by the Board of Supervisors and found the plan text as well as the land use maps for the Columbia and Pine Mountain Lake/Groveland areas to be consistent with the *Airport Land Use Policy Plan*.

[For an assessment of the consistency between the *Tuolumne County General Plan* and new ALUC *Compatibility Plan* policies, see Appendix G herein.]

Tuolumne County Ordinances

Zoning Ordinance

State law requires a community's zoning ordinance to be consistent with its general plan, which in turn should mean that the zoning ordinance is consistent with the ALUC plan. Nevertheless, because a zoning ordinance normally contains more detailed land use development standards than are presented in a general plan, conflicts with an ALUC plan can sometimes occur.

In addition to the land use zoning ordinance, Tuolumne County has adopted an *Airport Zoning Ordinance* (Chapter 18.28 of the *Tuolumne County Ordinance Code*) applicable to areas around the Columbia and Pine Mountain Lake airports. This ordinance limits the height of structures and trees within each airport's airspace.

These ordinances will be reviewed and amended as necessary for consistency with the *Compatibility Plan* and to reflect the current configuration of the airport runways and instrument approach procedures.

Airport Referral Area Ordinance

The *Tuolumne County Airport Referral Area Ordinance* (Ordinance 1027, codified as Chapter 18.24 of the *County Ordinance Code*), originally adopted by the Board of Supervisors in 1979, requires that all proposals for land use development in the vicinity of the County's two airports be referred to the Airport Land Use Commission for review. The ordinance also requires that property owners dedicate an aviation or noise easement to the County prior to the issuance of a building permit or at the time of recording a final map or parcel map. This ordinance conflicts with the new ALUC plan and will be revised upon adoption of the new plan.

Airport Combining Zone Concept

One mechanism sometimes used by local jurisdictions to implement various airport land use compatibility criteria and review procedures is to adopt an airport combining zone ordinance. A combining zone serves as an overlay of standard community-wide land use zones and modifies or limits the uses permitted by the underlying zone. Flood hazard combining zoning is a common example. An airport combining zone ordinance can serve as a convenient means of bringing various airport compatibility criteria into one place.

The Tuolumne County *Airport Referral Area Ordinance* together with the *Airport Zoning Ordinance* function in some ways as part of an airport combining zone ordinance. Other components necessary to fully implement ALUC plan policies — structural sound attenuation requirements and provisions for a buyer awareness program, for example — could be added.

Other Jurisdictions

There presently is no overlap between the airport referral area boundaries defined by the 1977 *Policy Plan*, as amended, and the boundaries of the City of Sonora, Tuolumne County's only incorporated city. The Sonora city sphere of influence extends into the airport referral area, but land use decisions in this area are made by the County. Consequently, the *Policy Plan* only affects County actions.

These conditions remain the same with respect to the new *Compatibility Plan*. Nevertheless, the new plan accounts for the possibility that the City of Sonora could expand toward the Columbia Airport or perhaps that another city could be incorporated near one of the airports. In such circumstances, the requirement for that jurisdiction to make its general plan consistent with the *Compatibility Plan* would come into effect. Also, most of the *Compatibility Plan* policies set forth in Chapters 2 and 3 would become applicable to the affected city.

PLAN CONTENTS

The most important components of this plan are found in Chapters 2 and 3. Chapter 2 presents airport compatibility and review policies applicable Countywide. Chapter 3 contains the compatibility map for each airport together with individual policies and some explanatory notes for that airport.

The remainder of the document constitutes supporting material. Chapters 4 and 5 contain background information regarding Columbia Airport and Pine Mountain Lake Airport, respectively. The appendices provide other information related to airport land use planning in general and the Airport Land Use Commission in particular.



Countywide Policies

2.1. GENERAL APPLICABILITY

2.1.1. Purpose

The purpose of this *Tuolumne County Airport Land Use Compatibility Plan* is to establish procedures and criteria by which, in accordance with the California State Aeronautics Act:

2.1.1.1. Tuolumne County Airport Land Use Commission (ALUC)

- (a) Can review proposed land use development in Tuolumne County for compatibility with airport activity.
- (b) Can review certain types of airport development proposals which are also subject to ALUC review and are addressed by the *Plan*.

2.1.1.2. County of Tuolumne (and any other jurisdiction which may be affected)

- (a) Can refer specified land use proposals to the ALUC for review.
- (b) Can make its *General Plan* and zoning ordinance consistent with the Commission's *Compatibility Plan*.
- (c) Can make other planning decisions regarding the lands impacted by airport operations.

2.1.2. Definitions

The following definitions apply for the purposes of the policies set forth in this document (additional terms are defined in the *Glossary*):

- 2.1.2.1. *Aeronautics Act* — Except as indicated otherwise, the article of the California Public Utilities Code (Sections 21670 et seq.) pertaining to airport land use commissions.
- 2.1.2.2. *Airport* — The Columbia Airport, Pine Mountain Lake Airport, or any other new public-use airport which might be created within the boundaries of Tuolumne County.
- 2.1.2.3. *Airport Aviation and Airspace Utilization Easement* — An aviation-related easement created by Tuolumne County and previously required to be dedicated to the County in conjunction with approval of property development or building permits. With adoption of this Plan, use of the easement has been discontinued in favor of a deed notification process and combining district zoning (airport overlay zone).
- 2.1.2.4. *Airport Influence Area* — An area, as delineated herein, which is routinely affected by aircraft operations at an airport and within which certain land use actions are subject to ALUC review.
- 2.1.2.5. *Airport Land Use Commission (ALUC)* — The Tuolumne County Airport Land Use Commission.
- 2.1.2.6. *Avigation Easement* — An easement which conveys rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc. (see *Glossary*)
- 2.1.2.7. *Community Noise Equivalent Level (CNEL)* — The noise metric adopted by the State of California for evaluating airport noise impacts. The noise impacts are typically depicted by a set of contours, each of which represents points having the same CNEL value.
- 2.1.2.8. *Compatibility Plan* — This document, the *Tuolumne County Airport Land Use Compatibility Plan*.
- 2.1.2.9. *Compatibility Zone* — Any of the zones set forth herein for the purposes of assessing land use compatibility within the airport influence area.
- 2.1.2.10. *Critical Height Zone* — Locations in the vicinity of an airport which: lie above the surfaces defined by FAR Part 77; and are situated either on points of high terrain (ridge lines or hill tops) or within 50 feet below such points.

- 2.1.2.11. *Existing Land Use* — A land use which either physically exists or for which local government commitments to the proposal have been obtained; that is, no further discretionary approvals are necessary. Local government commitment to a proposal can usually be considered firm once one or more of the following have occurred:
- (a) A tentative parcel or subdivision map has been approved and the original period (before any time extensions are submitted) within which the approval is valid has not expired;
 - (b) A vesting tentative parcel or subdivision map has been approved;
 - (c) A development agreement has been executed and remains in effect;
 - (d) A final land division map has been recorded;
 - (e) A use permit or other discretionary entitlement has been approved and not yet expired.
- 2.1.2.12. *Federal Aviation Regulations (FAR) Part 77* — The part of Federal Aviation Regulations which deal with objects affecting navigable airspace in the vicinity of airports. Objects which exceed the Part 77 height limits constitute airspace obstructions.
- 2.1.2.13. *Height Caution Zone* — Areas of land in the vicinity of an airport where the ground lies above an FAR Part 77 surface or within 50 feet beneath such surface, but excluding locations within the *Critical Height Zone*.
- 2.1.2.14. *Heliport* — A helicopter landing facility for which a Heliport Permit is required from the California Department of Transportation. Public-use and special-use heliports (including those at hospitals) are included within this definition, but helipads located on an airport are excluded.
- 2.1.2.15. *Infill* — Development of vacant or underutilized land within areas which are already largely developed or are used more intensively. See Policy 2.2.4.3.(a) for criteria used to identify infill areas for the purposes of the *Compatibility Plan*.
- 2.1.2.16. *Local Jurisdiction* — The County of Tuolumne or any city or other government agency (except agencies of the state or federal government) having jurisdiction over land uses within their boundaries.
- 2.1.2.17. *Major Land Use Action* — Actions related to proposed land uses for which compatibility with airport activity is a particular concern. These types of actions are listed in Policy 2.1.5.2.

- 2.1.2.18. *Nonconforming Use* — A land use which does not comply with a current land use plan or zoning ordinance, but which was legally permitted at the time the plan or ordinance was adopted.
- 2.1.2.19. *Project; Land Use Action; Development Proposal* — Terms similar in meaning and all referring to the types of land use matters, either publicly or privately sponsored, which are subject to review by the Airport Land Use Commission.
- 2.1.2.20. *Deed Notice* ---A formal statement added to the legal description of a deed to a property and on any land division map. As proposed in this Plan, it is a notice that property is within an Airport Influence Area Boundary. The notice is recorded and intended as a disclosure of certain airport proximity conditions that may or may not exist on any specific property, at present or in the future. The notice also informs property owners that their property is subject to certain land use measures that may affect future development and the permissible height of vegetation on the property. Use of the notice in the Tuolumne County Airport Land Use Compatibility Plan, together with combining district zoning, replaces the use of the Airport Aviation and Airspace Utilization Easement.

2.1.3 Geographic Scope

The geographic scope of the *Tuolumne County Airport Land Use Compatibility Plan* encompasses:

2.1.3.1. *Airport Influence Area*

- (a) All lands on which the uses could be negatively affected by present or future aircraft operations at the following airports in Tuolumne County, as well as lands on which the uses could negatively affect these airports:

(1) Columbia Airport.

(2) Pine Mountain Lake Airport.

- (b) The specific limits of the influence area for each airport are depicted on the respective *Compatibility Map* for that airport as presented in Chapter 3.

- 2.1.3.2. *Countywide Impacts on Flight Safety* — Other lands, regardless of their location in the County, on which certain land use characteristics could adversely affect the safety of flight in the County. The specific uses of concern are identified in Policy 2.1.5.2.(c).

- 2.1.3.3. *New Airports* — The site and environs of any new airport which may be proposed anywhere in the County.
- 2.1.3.4. *Heliports* — The site and environs of any public-use or special-use heliport (as defined by the California Department of Transportation) which may exist or be proposed anywhere within Tuolumne County, including incorporated cities.

2.1.4 Types of Airport Impacts

2.1.4.1. *Principal Compatibility Concerns* — The Commission is concerned only with the potential impacts related to:

- (a) Exposure to aircraft noise;
- (b) Land use safety with respect both to people on the ground and the occupants of aircraft;
- (c) Protection of airport airspace; and
- (d) General concerns related to aircraft overflights.

2.1.4.2. *Other Airport Impacts* — Other impacts sometimes created by airports (e.g., air pollution, automobile traffic, etc.) are not addressed by these compatibility policies and are not subject to review by the Airport Land Use Commission.

2.1.5 Types of Actions Reviewed

2.1.5.1. *Actions Which Always Require ALUC Review* — As required by state law, the following types of actions shall be referred to the Airport Land Use Commission for determination of consistency with the Commission's *Plan* prior to their approval by the local jurisdiction:

- (a) The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area (State Aeronautics Act Section 21676 (b)).
- (b) The adoption or approval of a zoning ordinance or building regulation which (1) affects property within an airport influence area and (2) involves the types of airport impact concerns listed in Section 2.1.4 (State Aeronautics Act Section 21676 (b)).
- (c) Adoption or modification of the master plan for an existing public-use airport (State Aeronautics Act Section 21676 (c)).

- (d) Any proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (State Aeronautics Act Section 21664.5).
- (e) Any proposal for a new airport or heliport whether for public use or private use (State Aeronautics Act Section 21661.5) if the facility requires a state airport permit.

2.1.5.2. *Other Tuolumne County Actions Requiring ALUC Review* — The “Tuolumne County Airport Referral Area Ordinance” (Chapter 18.24 of the Tuolumne County Code) currently requires that all applications for any type of permit or other County action affecting land or improvements within an airport influence area be submitted to the ALUC for review prior to County approval. Only those actions which the ALUC elects not to review are exempt from this requirement. For consistency with this plan, the Tuolumne County Airport Referral Area Ordinance will be modified to reflect that. In addition to those actions (listed in Policy 2.1.5.1.) for which ALUC review is required, the ALUC policy shall be to review the following types of *major land use actions* within Tuolumne County jurisdiction:

(a) Within all compatibility zones:

- (1) Any project requiring a general plan, specific plan, or zoning ordinance amendment.
- (2) Discretionary entitlements for proposed residential development, including land divisions, consisting of five or more dwelling units or parcels.
- (3) Discretionary entitlements for any major development proposal — specifically, any project having a valuation greater than \$1,000,000.
- (4) Major capital improvements (e.g., water, sewer, or roads) which would promote urban uses in undeveloped or agricultural areas.
- (5) Proposed land acquisition by a government entity for any facility accommodating a congregation of people (for example, a school or hospital).

- (6) Proposals for new development (including buildings, antennas, other structures, and trees) situated within a *Critical Height Zone*.
 - (7) Proposals for new development (including buildings, antennas, other structures, and trees) more than 50 feet tall located within a *Height Caution Zone*.
 - (8) Any project having the potential to create electrical or visual hazards to aircraft in flight, including:
 - Electrical interference with radio communications or navigational signals;
 - Lighting which could be mistaken for airport lighting;
 - Glare in the eyes of pilots of aircraft using the airport; and
 - Impaired visibility near the airport.
 - (9) Projects having the potential to attract birds to the vicinity of an airport.
 - (10) Any projects initially reviewed by the ALUC secretary and judged to be inconsistent with compatibility policies set forth in the *Compatibility Plan*.
- (b) Within *Zone A* or *Zone B1*, in addition to the actions listed in Policy 2.1.5.2.(a):
- (1) Any other land development application off airport property, including projects for which a ministerial permit, such as a building permit, is the only approval action required.
- (c) Other:
- (1) Regardless of location within Tuolumne County, any discretionary entitlement proposal for construction or alteration

of a structure (including antennas) taller than 75 feet above the ground level at the site. (Any structures taller than 200 feet also require notification to the Federal Aviation Administration in accordance with Section 77.13(a)(1) of the Federal Aviation Regulations.)

(2) Any other proposed land use action, as determined by the Tuolumne County Community Development Department, involving potential conflicts with airport activities.

2.1.5.3. *Tuolumne County Actions Requiring Review by the ALUC Secretary* — For all other Tuolumne County land use actions affecting an airport influence area, the ALUC policy shall be to refer review responsibility to the Commission Secretary. The Secretary can make a compatibility determination regarding these land use actions on behalf of the Commission or may refer the matter to the Commission for decision. Such actions include, but are not limited to, the following:

(a) Building permit applications for projects on sites located within *Zone B2* as defined by the Columbia and Pine Mountain Lake Airport Compatibility Maps, except sites lying within a *Critical Height Zone* as defined in Policy 2.1.2.10.

(b) All projects on sites located within *Zone C* or *Zone D*, except those projects listed in Policy 2.1.5.2.

(c) Projects which exceed the height limits established under the County Airport Zoning Ordinance when a variance to the height limits has been previously approved by the Airport Land Use Commission for the project site.

(d) Other land use actions referred from the Tuolumne County Community Development Department to the ALUC Secretary for land use compatibility review, but not included in the lists of required ALUC reviews (Policy 2.1.5.1.) or major actions (Policy 2.1.5.2.) — for example, a preapplication checklist. However, any proposals judged by the secretary to be inconsistent or of questionable consistency with ALUC compatibility policies shall be submitted to the Commission for review and final decision.

2.1.5.4. *ALUC Review of Proposed City Expansion or Incorporation* — As of the adoption date of this *Airport Land Use Compatibility Plan*, the Columbia and Pine Mountain Lake airport influence areas defined herein do not encompass land within the incorporated boundaries or sphere of influence of any incorporated city. However, if a proposal to establish or expand the boundaries of a city or its sphere of influence should come

before the Tuolumne County Local Agency Formation Commission (LAFCO) for consideration, the ALUC shall review and comment upon the proposal with regard to its potential effect on airports.

2.1.5.5. *ALUC Review of City Actions* — For any portion of a city which may extend inside the influence area of the Columbia or Pine Mountain Lake airports or a future airport, the ALUC shall have the following review authority:

- (a) The city shall submit to the Commission those actions, as listed in Policy 2.1.5.1., for which ALUC review is mandatory in accordance with state law.
- (b) Until such time as (1) the Commission finds that a city general plan or specific plan is consistent with the *Airport Land Use Compatibility Plan*, or (2) the city has overruled the Commission's determination of inconsistency, the city shall refer all actions, regulations, and permits involving the airport area of influence to the Commission for review (State Aeronautics Act Section 21676.5 (a)). For the purposes of this section, such actions shall be deemed to include all major land use actions listed in Policy 2.1.5.2.
- (c) After a city has revised its general plan or specific plan or has overruled the Commission, the Commission no longer has the authority to require that all actions, regulations, and permits be referred for review. However, the Commission and the local agency can agree that the Commission should continue to review individual projects in an advisory capacity. The types of land use actions which the Commission requests local agencies to continue to submit are those major actions listed in Policy 2.1.5.2.

2.1.5.6. *Actions Not Reviewed* — The following types of land use actions need not be referred to the Airport Land Use Commission or ALUC secretary:

- (a) Subsequent phases of projects which have previously been reviewed by the ALUC and for which all land use compatibility conditions have been met and no new issues have arisen (for example, a building permit on a project for which a land division has previously been reviewed and approved).
- (b) Minor changes to a project provided that such changes do not require new County approval of revisions to discretionary entitlements.
- (c) City land use actions not covered under Policies 2.1.5.1. or 2.1.5.2.

2.2. REVIEW OF LAND USE ACTIONS

2.2.1. General

- 2.2.1.1. *Timing of Project Submittal* — Proposed actions listed in Policy 2.2.1.5. must be submitted to the Commission for review prior to approval by the local government entity. All projects should be referred to the Commission at the earliest reasonable point in time so that the Commission’s review (or ALUC Secretary’s) can be duly considered by the local jurisdiction prior to formalizing its actions.
- 2.2.1.2. *Public Input* — Before acting on any plan, regulation, or other land use proposal under consideration, the Commission shall provide public notice and obtain public input where applicable (State Aeronautics Act Section 21675.2 (d))

2.2.2. Review Process for Community Land Use Plans and Ordinances

- 2.2.2.1. *Initial ALUC Review of General Plan Consistency* — In conjunction with adoption of this *Airport Land Use Compatibility Plan*, the Commission shall review the general plans and specific plans of affected local jurisdictions to determine their consistency with the Commission’s policies.
- (a) Within 180 days of the Commission’s adoption or amendment of the *Airport Land Use Compatibility Plan*, each local agency must amend its general plan and any applicable specific plan to be consistent with the Commission’s *Plan* or, alternatively, adopt findings and override the Commission in accordance with Section 21676 of the Public Utilities Code (Government Code Section 65302.3).
 - (b) To facilitate this process, the local agency should submit a draft of the proposed amendment to the Commission for comment prior to taking action on the proposal.
 - (c) In conjunction with its submittal of a general plan or specific plan amendment to the ALUC, a local agency may request that the Commission modify the areas defined as “infill” in accordance with Policy 2.2.4.3.(a). The Commission will include a determination on the infill as part of its action on the consistency of the general and specific plans.

2.2.2.2. *Subsequent Reviews of Community Land Use Plans and Ordinances* — As indicated in Policies 2.1.5.1.(a) and 2.1.5.1.(b), prior to taking action on an amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation affecting an airport influence area as defined herein, local agencies must submit the proposed plan, ordinance, or regulation to the Commission for review.

2.2.2.3. *Commission Action Choices* — When reviewing a general plan, specific plan, zoning ordinance, or building regulation for consistency with the *Compatibility Plan*, the Airport Land Use Commission has three choices of action:

(a) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*.

(b) Find the plan, ordinance, or regulation consistent with the *Compatibility Plan*, subject to modifications which the Commission may specify.

(c) Find the plan, ordinance, or regulation inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission may note the conditions under which the plan, ordinance, or regulation would be consistent with the *Compatibility Plan*.

2.2.2.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's request for a consistency determination on a general plan, specific plan, zoning ordinance, or building regulation within 60 days of referral (State Aeronautics Act Section 21676 (d)).

(a) If the Commission fails to make the determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.

(b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.

(c) The referring agency shall be notified of the Commission's action in writing.

2.2.3. Review Process for Major Land Use Actions

2.2.3.1. *Project Submittal Information* — A proposed land use action, submitted to the Commission or ALUC Secretary for review shall include the following information:

- (a) The type of land use action being sought from the local jurisdiction (e.g., zoning change, building permit, etc.).
- (b) Property location data (assessor's parcel number, street address, subdivision lot number).
- (c) A legible, accurately scaled map showing the relationship of the project site to the airport boundary and runways.
- (d) A description of existing and proposed land uses.
- (e) For residential uses, an indication of the potential or proposed number of dwelling units per acre (including any secondary units on a parcel); or, for nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time.
- (f) If applicable, a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees.
- (g) Identification of any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight.
- (h) An environmental document, if one has been prepared and it addresses airport compatibility issues.
- (i) Other relevant information which the Commission or its staff determine to be necessary to enable a comprehensive review of the proposal.

2.2.3.2. *ALUC Secretary's Choices* — When reviewing land use actions in accordance with Policy 2.1.5.3., the ALUC Secretary has two choices of action:

- (a) Find that the proposed project does not contain characteristics likely to result in inconsistencies with the compatibility criteria set forth in this plan. The Secretary is authorized to approve such projects on behalf of the Commission.
- (b) Find that the proposed project may be inconsistent with the *Compatibility Plan*. The Secretary shall forward any such project to the Commission for a consistency determination.

2.2.3.3. *Commission Action Choices* — When reviewing a land use project proposal, the Airport Land Use Commission has three choices of action:

- (a) Find the project consistent with the *Compatibility Plan*.
- (b) Find the project consistent with the *Compatibility Plan*, subject to compliance with such conditions as the Commission may specify. Any such conditions should be limited in scope and described in a manner which allows compliance to be clearly assessed (e.g., the height of a structure).
- (c) Find the project inconsistent with the *Compatibility Plan*. In making a finding of inconsistency, the Commission may note the conditions under which the project would be consistent with the *Plan*.

2.2.3.4. *Response Time* — State law does not set a time limit for airport land use commissions to review land use actions other than amendment of a general plan or specific plan or the addition or approval of a zoning ordinance or building regulation. Nevertheless, the policy of the Tuolumne County Airport Land Use Commission is that:

- (a) Reviews by the ALUC Secretary shall be completed within 14 days of when the project is submitted, provided that all information necessary for review of the project (as listed in Policy 2.2.3.1.) accompanies the referral.
- (b) Reviews of projects forwarded to the Commission for a consistency determination shall be completed within 60 days of the date of project referral.
- (c) If the ALUC Secretary or the Commission fails to make a determination within the above time periods, the proposed action shall be deemed consistent with the *Compatibility Plan*.
- (d) Regardless of action or failure to act on the part of the ALUC Secretary or the Commission, the proposed action still must comply with other applicable local, state, and federal regulations and laws.
- (e) The referring agency shall be notified of the ALUC Secretary's or the Commission's action in writing.

2.2.3.5. *Subsequent Review* — Once a project has been found consistent with the *Compatibility Plan*, it need not be referred for review at subsequent stages of the planning process (e.g., for a zone change after a General Plan Amendment has been reviewed) unless:

- (a) Insufficient information was available at the time of the ALUC's original review of the project to assess whether the proposal would be fully in compliance with compatibility criteria (e.g., the site layout and structure

height might not be known at the time a general plan amendment or zone change is requested).

(b) The design of the project subsequently changes in a manner which could raise questions as to the validity of a previous finding of compatibility as determined by the Airport Land Use Commission Secretary.

(c) The local jurisdiction concludes that further review is warranted.

2.2.4. Review Criteria for Land Use Actions

2.2.4.1. *Primary Land Use Compatibility Criteria* — The primary criteria for assessing whether a potential land use development is to be judged compatible with a nearby airport are set forth in the Primary Compatibility Criteria matrix, Table 2A on page 2-18. These criteria are to be used in conjunction with the compatibility map and policies for each airport as presented in Chapter 3.

2.2.4.2. *Function of Supporting Criteria* — The Primary Compatibility Criteria matrix represents a compilation of compatibility criteria associated with each of the four types of airport impacts listed in Policy 2.1.4.1. For the purposes of reviewing proposed amendments to community land use plans and zoning ordinances, as well as in the review of most individual development proposals, the criteria in the matrix are anticipated to suffice. However, certain complex land use actions may require more intensive review. The Commission may refer to the supporting criteria, as listed in Section 4, to clarify or supplement its review of such actions.

2.2.4.3. *Special Conditions*

(a) *Infill* — Where incompatible development already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception applies only within *Zone C*.

(1) Parcels can be considered for *infill* development if they meet *all* of the following criteria:

- The parcel size is no larger than 20 acres.
- The site is at least 65% bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.

- The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses. Regardless of the surrounding uses, the proposed use shall not have a development intensity more than 50% above the intensity permitted in accordance with the Primary Compatibility Criteria (Table 2A). (For example, whereas a minimum lot size of 3.0 acres is normally required in *Zone C*, the infill policy would allow a 2.0-acre lot.)
- The proposed project will not otherwise increase the intensity and/or incompatibility of use through use permits, density transfers, or other strategy.

(2) Parcels judged by the ALUC as qualifying for infill development are identified in Figure 3C for Columbia Airport. No infill parcels have been defined for Pine Mountain Lake Airport. Tuolumne County or any future entity having land use authority may, in conjunction with a proposed general plan or specific plan adoption or amendment, request ALUC consideration of additions to these maps.

(b) *Nonconforming Uses* — In locations not designated as infill areas, Airport Land Use Commission policy shall be that uses not in conformance with this *Compatibility Plan* may only be expanded as follows:

- (1) Nonconforming residential uses may be expanded provided that the expansion does not result in more dwelling units than currently exist on the parcel.
- (2) A nonconforming nonresidential development may be expanded by no more than 10% of the floor area of the existing structure or 1,000 square feet, whichever is greater.
- (3) Within Zone A, these exceptions apply only to Lot 81, Unit 12, and Lot 82, Unit 12, of the Pine Mountain Lake Subdivision, for such development directed farther away from the centerline of Runway 09/27 than that existing at the time of plan adoption. These exceptions shall also apply to any parcel near Columbia Airport for which the County has an existing aviation easement. The exceptions do not apply to any other lots within Zone A or where such expansion would be in conflict with a county or city general plan or zoning ordinance.
- (4) The County is strongly advised to purchase Lot 93, Unit 12, of the Pine Mountain Lake Subdivision, as soon as possible. The County is further advised to demolish all structures on this lot and restore it to undeveloped status. This recommendation is made to address the fact that Zone A encompasses the lot, almost in its entirety.

- (5) The County is advised to demolish all structures on Lot 92, Unit 12, of the Pine Mountain Lake Subdivision and restore it to undeveloped status. This recommendation is made to address the fact that Zone A encompasses the lot in its entirety.
 - (6) The County is strongly advised to achieve a written instrument with the current owner of Lot 91, Unit 12, of the Pine Mountain Lake Subdivision, as soon as possible. The written instrument would give the County a first option to purchase the property at such time as the property owner of record at the time of the adoption of this Plan decides to sell same. The County is further advised to demolish all structures on this lot and restore it to an undeveloped status after acquisition of the property.
- (c) *Reconstruction* — Airport Land Use Commission policy shall be that an *existing* incompatible development which has been fully or partially destroyed may be rebuilt under the following conditions:
- (1) Nonconforming residential uses may be rebuilt provided that the reconstruction does not result in more dwelling units than currently exist on the parcel.
 - (2) A nonconforming nonresidential development may be rebuilt provided that it has been only partially destroyed and that the reconstruction does not increase the floor area of the previous structure by more than 10% or 1,000 square feet, whichever is greater. Partial destruction shall be considered to mean damage which can be repaired at a cost of no more than 75% of the assessor's full-cash value of the structure at the time of the damage.
 - (3) Any nonresidential use which has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.
 - (4) Within Zone A, the above exceptions apply only to Lot 81, Unit 12 and Lot 82, Unit 12, of the Pine Mountain Lake Subdivision; and to any parcel near Columbia Airport for which the County has an existing aviation easement.
- (d) *Parcels Lying within Two or More Compatibility Zones* — For the purposes of evaluating consistency with the compatibility criteria set forth herein, Airport Land Use Commission policy shall be as follows:
- (1) Any parcel which is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion even if the resulting development in the latter area then exceeds the criteria for that compatibility zone.

- (2) Transfer of development as described above is also allowed with respect to multiple parcels proposed to be developed as a single project.
- (e) *Other Special Conditions* — The compatibility criteria set forth in this *Plan* are intended to be applicable to all locations within each airport's influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site. In these situations, Airport Land Use Commission policy shall be as follows:
- (1) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
 - (2) In reaching such a decision, the Commission shall make all of the following findings based upon substantial evidence in the record:
 - (a) Granting of the special conditions exception would not interfere with the orderly development of the Airport.
 - (b) Granting of the special conditions exception would not interfere with the orderly development of the area surrounding the Airport so as to promote the overall goals and objectives of the California airport noise standards as implemented through the noise policies of the Tuolumne County Airport Land Use Compatibility Plan.
 - (c) Granting of the special conditions exception would allow for the orderly development of the area surrounding the Airport so as to prevent the creation of new noise and safety problems.
 - (d) Granting of the special conditions exception would protect the public health, safety and welfare by providing for the orderly expansion of the Airport.
 - (e) Granting of the special conditions exception would protect the public health, safety and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the Airport to the extent that these areas are not already devoted to incompatible uses.
 - (3) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
 - (4) Special conditions which warrant general application in all or part of the influence area of one airport, but not at others, are set forth in Chapter 3 of this *Compatibility Plan*.

Zone	Location	Maximum Densities		Additional Criteria	
		Residential (du/ac) ¹	Other Uses (people/a c) ²	Prohibited Uses	Other Development Conditions
A	Runway Protection Zone or within Building Restriction Line	0	10	<ul style="list-style-type: none"> * All structures except ones required by aeronautical function * Assemblages of people * Objects exceeding FAR Part 77 height limits * Aboveground bulk storage of hazardous materials * Hazards to flight⁴ 	*Deed notice recordation ³
B1	Approach Departure Zone and Adjacent to Runway	0.1 (10-acre parcel)	25	<ul style="list-style-type: none"> * Children's schools, day care centers, libraries Hospitals, nursing homes * Highly noise-sensitive uses (e.g., outdoor theaters) * Aboveground bulk storage of hazardous materials⁵ * Hazards to flight⁴ 	<ul style="list-style-type: none"> * Locate structures away from extended runway centerline * Additional NLR required for some uses⁶ * Airspace review required for all objects (B1 zone) * Deed notice recordations³
B2	Extended Approach/Departure Zone	0.33 (3-acre parcel)	50		
C	Common Traffic Pattern	0.33 (3-acre parcel)	75	<ul style="list-style-type: none"> * Children's schools, day care centers, libraries * Hospitals, nursing homes * Hazards to flight⁴ 	* Deed notice recordations ³
D	Other Airport Environs	No Limit	No Limit	* Hazards to flight ⁴	* Deed notice recordations ³
	Critical Height Zone Overlay ⁷	Same as Underlying Compatibility Zone		Tall objects on high terrain ⁸	* Deed notice recordations ³
	Height Caution Zone Overlay ⁷	Same as Underlying Compatibility Zone		Same as Underlying Compatibility Zone	<ul style="list-style-type: none"> * Airspace review required for objects taller than 50 ft. AGL⁹ * Deed notice recordations³

Table 2A-Primary Compatibility Criteria

1. Residential development should not contain more than the indicated number of primary dwelling units per gross acre. Clustering of units is encouraged – see Policy 2.4.2.6. for limitations. Attached secondary single-family dwellings are allowed where permitted by the Tuolumne County Uniform Zoning Ordinance in Compatibility Zones B2, C and D.
2. The land use should not attract more than the indicated number of people per acre at any time. The usage intensity may be averaged over the entire project site, subject to the limitations set forth in Policy 2.4.2.6. Usage calculations shall include all people who may be on the property (e.g., employees, customers/visitors, etc.) both indoors and outside. These criteria are intended as general planning guidelines to aid in determining the acceptability of proposed uses. Additional guidance is provided by Appendix C.
3. A deed notice shall be recorded for each parcel associated with any land use action or permit for which review by the Airport Land Use Commission or Commission Secretary is required. Such notice shall be issued by the County of Tuolumne for each parcel within an Airport Influence Area Boundary at the time of adoption of this Plan. Additionally, any land division of property for which a notice has been recorded must include a note on any parcel map or subdivision map of the existence of such deed notice. Combining district zoning shall be established for each such parcel.
4. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. See the supporting compatibility policies on airspace protection (Policies 2.4.3.2 and 2.5.3.5.) for details.
5. Storage of aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of nonaviation flammable materials are exempted from this criterion in Zones B1 and B2.
6. NLR = Noise Level Reduction; the outside-to-inside sound level attenuation which the structure provides. See supporting compatibility policies on noise (Policy 2.4.1.5.) for details.
7. See supporting compatibility policies on airspace protection (Policy 2.4.3.2.) for details.
8. Height restrictions — potentially to ground level — required on all objects not shadowed by nearby objects of equal or greater elevation.
9. Objects up to 50 feet tall are acceptable

Source: Shutt Moen Associates (November 1998)

Table 2A Continued
Primary Compatibility Criteria

2.3. REVIEW OF AIRPORT MASTER PLANS AND DEVELOPMENT PLANS

2.3.1. Review Process

2.3.1.1. *Project Submittal Information* — An airport master plan or development plan submitted to the Commission for review shall contain sufficient information to enable the Commission to adequately assess the noise, safety, airspace protection, and overflight impacts of airport activity upon surrounding land uses. A master plan report should be submitted, if available. At a minimum, information to be submitted shall include:

- (a) A layout plan drawing of the proposed facility showing the location of: (1) property boundaries; (2) runways or helicopter takeoff and landing areas; and (3) runway protection zones or helicopter approach/departure zones.
- (b) Airspace surfaces in accordance with Federal Aviation Regulations, Part 77.
- (c) Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility.
- (d) Proposed flight track locations and projected noise contours or other relevant noise impact data.
- (e) A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed airport or heliport.
- (f) An environmental document, if one has been prepared and it addresses land use compatibility issues.
- (g) Identification and proposed mitigation of impacts on surrounding land uses.

2.3.1.2. *Commission Action Choices for Plans of Existing Airports* — When reviewing airport master plans for existing airports, the Commission has three action choices:

- (a) Find the airport master plan consistent with the *Airport Land Use Compatibility Plan*.
- (b) Find the airport master plan inconsistent with the Commission's *Plan*.

(c) Modify the *Airport Land Use Compatibility Plan* (after duly noticed public hearing) to reflect the assumptions and proposals in the airport master plan.

2.3.1.3. *Commission Action Choices for Reviews of New Airports or Heliports* — When reviewing proposals for new airports or heliports, the Commission's choices of action are:

(a) Approve the proposal as being consistent with the specific review policies listed in Section 3.3 below.

(b) Approve the proposal and adopt a *Compatibility Plan* for that facility. State law requires adoption of such a plan if the airport or heliport will be a public-use facility (State Aeronautics Act Section 21675(a)).

(c) Disapprove the proposal on the basis that the noise, safety, airspace protection, and overflight impacts it would have on surrounding land uses are not adequately mitigated.

2.3.1.4. *Response Time* — The Airport Land Use Commission must respond to a local agency's submittal of an airport master plan or development plan within 60 days from the date of referral (State Aeronautics Act Section 21676(d)).

(a) If the Commission fails to make a determination within that period, the proposed action shall be deemed consistent with the *Compatibility Plan*.

(b) Regardless of Commission action or failure to act, the proposed action must comply with other applicable local, state, and federal regulations and laws.

(c) The referring agency shall be notified of the Commission's action in writing.

2.3.2. Review Criteria for Master or Development Plans of Existing Airports

2.3.2.1. *Substance of Review* — When reviewing airport master plans or development plans for existing airports, the Commission shall determine whether activity forecasts or proposed facility development identified in the plan differ from the forecasts and development assumed for that airport in this *Airport Land Use Compatibility Plan*. Attention should specifically focus on:

(a) Activity forecasts that are: (1) significantly higher than those in the *Airport Land Use Compatibility Plan*; or which (2) include a higher proportion of larger or noisier aircraft.

- (b) Proposals to: (1) construct a new runway or helicopter takeoff and landing area; (2) change the length, width, or landing threshold location of an existing runway; or (3) establish an instrument approach procedure.

2.3.2.2. *Consistency Determination* — The Commission shall determine whether the proposed airport master plan or development plan is consistent with the *Airport Land Use Compatibility Plan*. The Commission shall base its determination of consistency on findings that the forecasts and development identified in the airport master plan would not result in greater noise, overflight, and safety impacts or height restrictions on surrounding land uses than are assumed in the *Airport Land Use Compatibility Plan*.

2.3.3. Review Criteria for Proposed New Airports or Heliports

2.3.3.1. *Substance of Review* — In reviewing proposals for new airports and heliports, the Commission shall focus on the noise, safety, airspace protection, and overflight impacts upon surrounding land uses.

- (a) Other types of environmental impacts (e.g., air quality, water quality, natural habitats, vehicle traffic, etc.) are not within the scope of Commission review.
- (b) The Commission shall evaluate the adequacy of the proposed facility design (in terms of federal and state standards) only to the extent that the design affects surrounding land use.
- (c) The Commission must base its review on the proposed airfield design. The Commission does not have the authority to require alterations to the airfield design.

2.3.3.2. *Airport/Land Use Relationships* — The review shall examine the relationships between existing and planned land uses in the vicinity of the proposed airport or heliport and the impacts that the proposed facility would have upon these land uses. Questions to be considered should include:

- (a) Would the existing or planned land uses be considered incompatible with the airport or heliport if the latter were already in existence?
- (b) What measures are included in the airport or heliport proposal to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses? Such measures might include: (1) location of flight tracks so as to minimize the impacts; (2) other operational procedures to minimize impacts; (3) installation of noise barriers or structural noise insulation; (4) acquisition of property interests (fee title or easements) on the impacted land.

2.4. SUPPORTING COMPATIBILITY CRITERIA

2.4.1. Noise

- 2.4.1.1. *Projected Noise Levels* — The evaluation of airport/land use noise compatibility shall consider the *future* Community Noise Equivalent Level (CNEL) contours of each airport. These contours are calculated based upon aircraft activity forecasts which are set forth in an airport master plan or which are considered by Tuolumne County to be plausible (refer to activity data and noise exposure maps in Chapters 4 and 5). Tuolumne County should periodically review the projected noise level contours and update them if appropriate.
- 2.4.1.2. *Application of Noise Contours* — The locations of CNEL contours are among the factors used to define compatibility zone boundaries and criteria. It is intended that noise compatibility criteria be applied at the general plan, specific plan, or other broad-scale level. Because of the inherent variability of flight paths and other factors that influence noise emissions, the depicted contour boundaries are not absolute determinants of the compatibility or incompatibility of a given land use. Noise contours can only quantify noise impacts in a general manner; except on large parcels or blocks of land (sites large enough to have 3 dB or more of variation in CNELs), they should *not* be used as site design criteria. (Note, though, that the airport noise contours set forth in this *Plan* are to be used as the basis for determining compliance with interior noise level criteria as listed in Section 2.4.1.5.)
- 2.4.1.3. *Noise Exposure in Residential Areas* — The maximum CNEL considered normally acceptable for residential uses in the vicinity of the airports covered by this *Plan* is 55 dB.
- 2.4.1.4. *Noise Exposure for Other Land Uses* — Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. The extent of outdoor activity associated with a particular land use is an important factor to be considered in evaluating its compatibility with airport noise. Examples of acceptable noise levels for other land uses in an airport's vicinity are presented in Table 2B.
- 2.4.1.5. *Interior Noise Levels* — Land uses for which interior activities may be easily disrupted by noise shall be required to comply with the following interior noise level criteria.
- (a) The maximum, aircraft-related, interior noise levels which shall be considered acceptable for land uses near airports are:

(1) 45 dB CNEL in:

- Living areas of single- or multi-family residences;
- Hotels and motels;
- Hospitals and nursing homes;
- Churches, meeting halls, office buildings, and mortuaries; and
- Schools, libraries, and museums.

(2) 40 dB CNEL in sleeping areas of single- or multi-family residences.

- (b) The noise contours set forth in Chapters 4 and 5 of this *Plan* shall be used in calculating compliance with these criteria. Also, the calculations should assume that windows are closed.
- (c) Chapter 18.24 of the Tuolumne County Ordinance Code will be revised to impose these noise standards on permitted structures. The Airport Land Use Commission or its Secretary will review discretionary entitlements for compliance with these noise standards.

Land Use Category	CNEL (dB)				
	50–55	55–60	60–65	65–70	70–75
<i>Residential</i>					
single-family, nursing homes, mobile homes	+	0	–	--	--
multi-family, apartments, condominiums	++	+	0	--	--
<i>Public</i>					
schools, libraries, hospitals	+	0	–	--	--
churches, auditoriums, concert halls	+	0	0	–	--
transportation, parking, cemeteries	++	++	++	+	0
<i>Commercial and Industrial</i>					
offices, retail trade	++	+	0	0	–
service commercial, wholesale trade,	++	++	+	0	0
warehousing, light industrial general manufacturing, utilities, extractive industry	++	++	++	+	+
<i>Agricultural and Recreational</i>					
cropland	++	++	++	++	+
livestock breeding	++	+	0	0	–
parks, playgrounds, zoos	++	+	+	0	–
golf courses, riding stables, water recreation	++	++	+	0	0
outdoor spectator sports amphitheaters	++	+	+	0	–
outdoor spectator sports	+	0	–	--	--

Land Use Acceptability	Interpretation/Comments
++ <i>Clearly Acceptable</i>	The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.
+ <i>Normally Acceptable</i>	Noise is a factor to be considered in that slight interference with outdoor activities may occur. Conventional construction methods will eliminate most noise intrusions upon indoor activities.
0 <i>Marginally Acceptable</i>	The indicated noise exposure will cause moderate interference with outdoor activities and with indoor activities when windows are open. The land use is acceptable on the conditions that outdoor activities are minimal and construction features which provide sufficient noise attenuation are used (e.g., installation of air conditioning so that windows can be kept closed). Under other circumstances, the land use should be discouraged.
– <i>Normally Unacceptable</i>	Noise will create substantial interference with both outdoor and indoor activities. Noise intrusion upon indoor activities can be mitigated by requiring special noise insulation construction. Land uses which have conventionally constructed structures and/or involve outdoor activities which would be disrupted by noise should generally be avoided.
-- <i>Clearly Unacceptable</i>	Unacceptable noise intrusion upon land use activities will occur. Adequate structural noise insulation is not practical under most circumstances. The indicated land use should be avoided unless strong overriding factors prevail and it should be prohibited if outdoor activities are involved.

Table 2b Noise Compatibility Criteria

2.4.1.6. *Construction of New or Expanded Airports or Heliports* — Any proposed construction of a new airport or heliport or expansion of facilities at an existing airport or heliport which would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level. For the purposes of this *Plan*, a noise increase shall be considered significant if:

(a) In locations having an existing ambient noise level of less than 55 dB CNEL, the project would increase the noise level by 5.0 dB or more.

(b) In locations having an existing ambient noise level of between 55 and 60 dB CNEL, the project would increase the noise level by 3.0 dB or more.

(c) In locations having an existing ambient noise level of more than 60 dB CNEL, the project would increase the noise level by 1.5 dB or more.

2.4.2. Safety

2.4.2.1. *Objective* — The intent of land use safety compatibility criteria is to minimize the risks associated with an off-airport aircraft accident or emergency landing.

(a) Risks both to people and property in the vicinity of an airport and to people on board the aircraft shall be considered.

(b) More stringent land use controls shall be applied to the areas with greater potential risk.

2.4.2.2. *Risks to People on the Ground* — The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents.

(a) A method for determining the concentration of people for various land uses is provided in Appendix C.

2.4.2.3. *Land Uses of Particular Concern* — Land uses of particular concern are ones in which the occupants have reduced effective mobility or are unable to respond to emergency situations. Children's schools and day care centers (with 7 or more children), hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or handicapped shall be prohibited within *Compatibility Zones A, B1, B2, and C*.

(a) This general policy may be superseded by airport specific policies (see Chapter 3)

(b) Hospitals are medical facilities which include provision for overnight stays by patients. Medical clinics are permitted in *Compatibility Zones B2* and *C* provided that these facilities meet the maximum density standards found in Table 2A, *Primary Compatibility Criteria*.

2.4.2.4. *Other Risks* — Amend Chapter 18.24 of the Tuolumne County Ordinance Code to require that storage of fuel or other hazardous materials shall be prohibited in *Compatibility Zone A*. Except for aviation fuel, other aviation-related flammable materials, and up to 2,000 gallons of nonaviation flammable materials, aboveground storage of fuel or other hazardous materials also shall be prohibited in *Compatibility Zones B1* and *B2*.

2.4.2.5. *Open Land* — In the event that an aircraft is forced to land away from an airport, the risks to the people on board can best be minimized by providing as much open land area as possible within the airport vicinity. This concept is based upon the fact that the majority of aircraft accidents and incidents occurring away from an airport runway are controlled emergency landings in which the pilot has reasonable opportunity to select the landing site. Clustering of development and providing contiguous landscaped and parking areas is encouraged as a means of increasing the size of any available open land areas. Clustering is particularly desirable on sites where the remaining land is relatively free of steep terrain, rocks, and trees.

2.4.2.6. *Limitations on Clustering* ---Policy 2.4.2.5. notwithstanding, limitations shall be set on the maximum degree of clustering or usage intensity acceptable within a portion of a large project site.

(a) Clustering of new residential development shall be limited as follows:

(1) Zone A: Not applicable.

(2) Zone B1: Maximum of two dwelling units per any individual acre.

(3) Zones B2 and C: No limit other than the average density set in the Primary Compatibility Criteria matrix, Table 2A.

(4) Zone D: No limit.

(b) Usage intensity of new nonresidential development shall be limited as follows:

(1) Zone A: No clustering permitted.

(2) Zone B1: Maximum of 50 people per any individual acre (i.e., a maximum of double the average intensity criterion set in Table 2A). Multi-story retail uses, fast food establishments, large shopping centers (500,000 or more square feet), theaters, motels, and similar uses are specifically prohibited.

- (3) Zone B2: Maximum of 100 people per any individual acre (i.e., a maximum of double the average intensity criterion set in Table 2A). Fast-food establishments, large shopping centers (500,000 or more square feet), theaters, motels, and similar uses are specifically prohibited.
 - (4) Zone C: Maximum of 225 people per any individual acre (i.e., a maximum of triple the average intensity criterion set in Table 2A). Large shopping centers (500,000 or more square feet), theaters, multi-story motels, and similar uses are specifically prohibited.
 - (5) Zone D: No limit.
- (c) For the purposes of the above policies, the one-acre areas to be evaluated shall be squares (209 feet by 209 feet).
 - (d) In no case shall a proposed development be designed to accommodate more than the total number of dwelling units per acre (for residential uses) or people per acre (for Nonresidential uses) indicated in Table 2A times the gross acreage of the project site. A project site may include multiple parcels. Gross acreage equals the property acreage plus a share of adjacent roads. Appendix D lists examples of the types of land uses which are potentially compatible under these criteria and the types of land uses which are considered incompatible.

2.4.3. Airspace Protection

- 2.4.3.1. *Basis for Height Limits* — The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be based upon Part 77, Subpart C, of the Federal Aviation Regulations (FAR) and with the United States Standard for Terminal Instrument Procedures (TERPS).
 - (a) Certain modifications to the basic FAR Part 77 standards are incorporated into the following policies in recognition of the terrain conditions near the airports in Tuolumne County.
 - (b) Airspace plans depicting the critical areas for airspace protection around the Columbia Airport and Pine Mountain Lake Airport are provided in Chapters 4 and 5, respectively.
- 2.4.3.2. *Height Restrictions* — The height of objects which are subject to review by the Airport Land Use Commission within the influence area of each airport shall be reviewed, and restricted if necessary, according to the criteria indicated for each of the following height overlay zones. The locations of these zones are depicted on the respective *Compatibility Map* for each airport.

(a) Critical Height Zone (see Figure 2A):

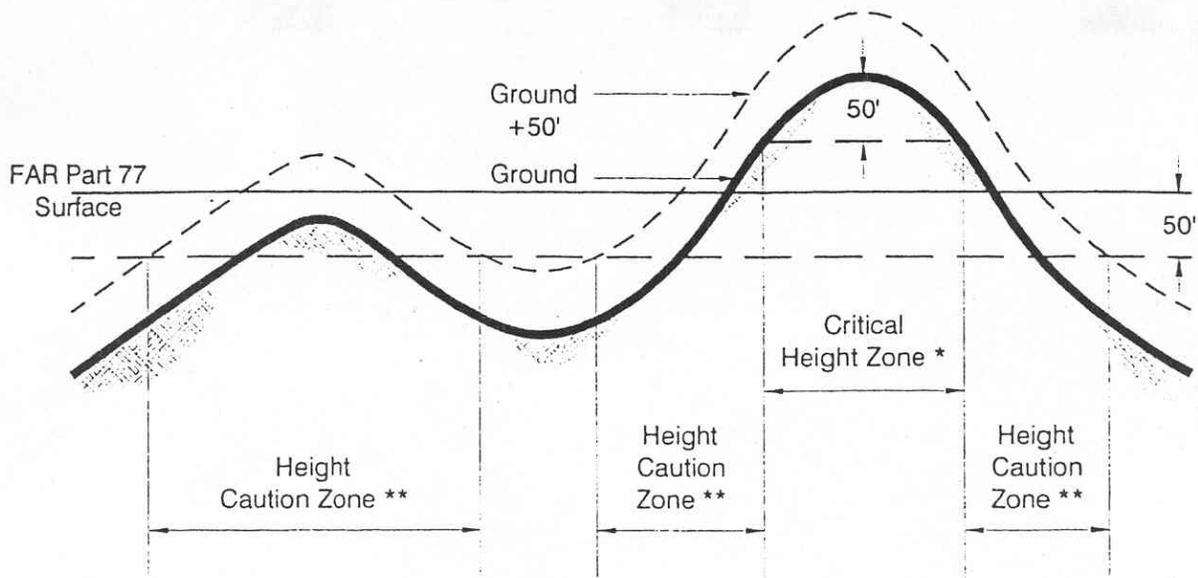
- (1) This zone encompasses the highest land areas near an airport. Specifically, these are locations which: lie above the surfaces defined by FAR Part 77; and are situated either on points of high terrain (ridge lines or hill tops) or within 50 feet below such points. Additionally, all locations within *Compatibility Zones A and B1* are considered to be within the *Critical Height Zone*.
- (2) Height restrictions — potentially to ground level — are required on all objects not shadowed by nearby objects of equal or greater elevation. For purposes of this section, objects do not include vegetation. Such restrictions shall be set in accordance with the airspace surfaces defined by Part 77 of the Federal Aviation Regulations.
- (3) All proposed projects within the Critical Height Zone are subject to ALUC review.

(b) Height Caution Zone (see Figure 2A):

- (1) This zone encompasses other areas of high terrain surrounding the *Critical Height Zone*. Specifically, these are locations where the ground lies above a FAR Part 77 surface or within 50 feet beneath such surface, but excluding locations within the *Critical Height Zone*. All locations within *Compatibility Zone B2* also are considered to be within the *Height Caution Zone*.
- (2) Objects up to 50 feet tall are acceptable and do not require ALUC review for the purposes of height factors.
- (3) Projects subject to review by the Airport Land Use Commission which propose objects taller than 50 feet shall be reviewed by the Airport Land Use Commission for protection of navigable airspace.

(c) Remainder of Airport Influence Area:

- (1) Generally, there is no concern with regard to any object up to 75 feet tall unless it is located on high ground. A solitary object (e.g., an antenna) on high ground is a particular concern.
- (2) The ALUC secretary shall review any development proposals requiring a variance from County zoning height standards.



* ALUC review required for all objects

** ALUC review required for objects taller than 50 feet

Source: Shutt Moen Associates (November 1998)

Figure 2A

2.4.3.3. During review of projects subject to its review, the Airport Land Use Commission may require conditions to protect navigable airspace, including the following:

- (a) Restrict the height of structures, trees and other objects;
- (b) Require the removal or aeronautical marking of objects exceeding the established height limit; and
- (c) Prohibit electrical interference, glare, and other potential hazards to flight from being created on the property.
- (d) Existing trees which exceed the height limits described in Policy 2.4.3.2 or could grow to exceed the height limits, will be required to be removed, topped or fitted with aeronautical marking only where the tree has been determined to be a hazard to flight by the Airport Land Use Commission.

2.4.3.4. *FAA Notification* — Proponents of a project which may exceed a Part 77 surface shall notify the Federal Aviation Administration as required by FAR Part 77, Subpart B, and by the State Aeronautics Act, Sections 21658 and 21659. (Notification to the Federal Aviation Administration under FAR Part 77, Subpart B, is required even for certain proposed construction that does not exceed the height limits allowed by Subpart C of the regulations. Refer to Appendix B for the specific Federal Aviation Administration notification requirements.)

- (a) Local jurisdictions shall inform project proponents of the requirements for notification to the Federal Aviation Administration. For objects less than 50 feet in height, FAA notification will generally not be required except for locations within *Compatibility Zones A and B1* and the *Critical Height Zone*.
- (b) FAA review is required for any proposed structure more than 200 feet above the surface level of its site.
- (c) Any project submitted to the ALUC for airport land use compatibility review for reason of height-limit issues shall include a copy of FAR Part 77 notification to the Federal Aviation Administration.

2.4.3.5. *Other Flight Hazards* — Land uses which may cause visual, electronic, or bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. During review of projects submitted to it, the Airport Land Use Commission shall review such applications for hazards to flight. Specific characteristics to be avoided include:

- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of electrical interference with aircraft communications or navigation; and

- (d) Any use, especially landfills and certain agricultural uses, which may attract large flocks of birds.

2.4.4. Overflights

2.4.4.1. *Nature of Concern* — Overflight compatibility concerns encompass a combination of noise and safety issues. Although sensitivity to aircraft overflights varies from one person to another, overflight sensitivity is particularly important with regard to residential land uses.

- (a) For the purposes of the *Compatibility Plan*, the frequency of overflights, the typical overflight altitude, the noise levels of individual aircraft operations, the characteristics of the noise (helicopter noise being particularly intrusive), and the perceived necessity of the noise (noise from fire attack aircraft being considered more acceptable than noise from other loud aircraft) are the principal determinants of where overflights are considered to be a potential concern.

- (b) The area of overflight concerns is the same as the airport influence area for each airport.

2.4.4.2. *Buyer Awareness Measures* — Because all of the airport influence area is subject to aircraft overflights, it is important that prospective purchasers of property within this area, particularly residential properties, are informed about the property's proximity to a nearby airport.

- (a) A deed notice shall be recorded by the County, for each parcel within each Airport Influence Area Boundary as of the date of the adoption of this Plan (see sample document in Appendix F).

- (b) Combining district zoning shall be established for each parcel within the Airport Influence Boundary and will be rezoned to include this new district.

2.4.4.3. *Land Use Conversion* — The compatibility of uses in the airport influence areas shall be preserved to the maximum feasible extent. Particular emphasis should be placed on preservation of existing agricultural and open space uses.

- (a) The conversion of land from existing or planned agricultural, industrial, or commercial use to residential uses within *Compatibility Zones A, B1, and B2* is strongly discouraged.

(b) In *Compatibility Zone C*, general plan amendments (as well as other discretionary actions such as rezoning, subdivision approvals, use permits, etc.) which would convert land to residential use or increase the density of residential uses should be subject to careful consideration of overflight impacts.

INDIVIDUAL AIRPORT POLICIES AND COMPATIBILITY MAPS

3.1. GENERAL BASIS FOR COMPATIBILITY ZONE BOUNDARIES

The general concepts used to develop the compatibility zone boundaries for Columbia and Pine Mountain Lake airports are outlined below. These basic, aviation-oriented, boundaries were then modified to take into account distinct geographic features and existing land uses around each airport. The compatibility zone boundaries represent a composite of noise, safety, airspace protection, and overflight concerns. As overlays of the compatibility zones, the height zones further address airspace protection requirements. The height overlay zone policies apply in addition to the policies of the underlying compatibility zone.

3.1.1. Compatibility Zone A

Zone A includes airport runways and immediately adjacent areas wherein uses are restricted to aeronautical functions in accordance with Federal Aviation Administration standards. The lateral limits of *Zone A* are defined by the airfield building restriction lines as depicted on the *Airport Layout Plan* for each airport. The length of *Zone A* is set to encompass the runway protection zone located at each end of the runway. Runway protection zone dimensions are defined by Federal Aviation Administration airport design standards and take into account the runway approach type and the type of aircraft the runway is intended to accommodate. In addition to being an area of high risk, *Zone A* also is subject to high noise levels. Most of *Zone A* at both Columbia and Pine Mountain Lake airports lies within the respective 65-dB CNEL contours.

3.1.2. Compatibility Zone B1

Zone B1 generally surrounds *Zone A*, including areas both immediately beyond the runway protection zones and adjacent to the runways. These are locations where noise levels and risks are both high. *Zone B1* encompasses areas impacted by noise levels of 60 dB CNEL or greater. Areas overflown by aircraft at altitudes of less than 200 to 300 feet are included as well. Additionally, restrictions on heights of objects are essential for airspace protection purposes.

3.1.3. Compatibility Zone B2

Zone B2 is the extended approach/departure zone for each airport and also may include some land adjacent to the runways. This zone is affected by moderate degrees of both noise and risk. The 55-dB CNEL contour falls within this zone. Aircraft overfly much of this area at altitudes of less than approximately 600 feet on either visual or straight-in instrument approaches. According to the data presented in the Caltrans *Handbook*, 40% to 50% of off-runway, airport-related aircraft accidents occur within *Zones B1* and *Zones B2* for airports comparable to Columbia and Pine Mountain Lake airports.

3.1.4. Compatibility Zone C

The outer boundary of *Zone C* is defined as the area commonly overflowed by aircraft at an altitude of 1,000 feet or less above ground level. Included are locations beneath the traffic pattern and pattern entry points. Annoyance associated with aircraft overflights is the major concern within *Zone C*. Although the traffic pattern zone lies mostly outside the 55-dB CNEL contour, land uses are nevertheless subjected to frequent aircraft noise events.

3.1.5. Compatibility Zone D

Zone D includes other areas within the airport vicinity which are overflowed less frequently or at a higher altitude by aircraft arriving and departing the airport.

3.1.6. Critical Height Zone Overlay

The *Critical Height Zone* is designed to assure that objects on high terrain or near the runway ends of each airport do not pose hazards to flight. The zone includes ridge lines, other high points, and terrain within 50 feet in elevation of these locations. The 50-foot height is intended to represent the tallest likely height of an antenna on top on a building or the typical height of a tall tree. Lands within *Compatibility Zones A* and *B1* also are considered to be within the *Critical Height Zone* because protection of the airspace above these areas is critical to the safety of aircraft approaching and departing a runway.

3.1.7. Height Caution Zone Overlay

The Height Caution Zone surrounds the areas of high terrain included in the Critical Height Zone. The concept used in defining this zone is that objects less than 50 feet in height will be shadowed by objects on nearby higher terrain and thus will not constitute hazards to flight even if they are above an airspace surface defined by Federal Aviation Regulations (FAR) Part 77. The Height Caution Zone also encompasses the lands within Compatibility Zone B2. Again, 50-foot objects are acceptable in Zone B2 in that they will not penetrate the FAR Part 77 approach or transitional surfaces (unless they are in the Critical Height Zone). In each of these areas, any proposed objects taller than 50 feet must be reviewed on a case-by-case basis to assure that they will not be hazards to flight.

3.2. INFILL

Parcels judged by the Tuolumne County Airport Land Use Commission as qualifying for infill development in accordance with Countywide Policy 2.2.4.3(a) are identified in Figure 3B for Columbia Airport. No infill parcels have been defined for Pine Mountain Lake Airport. Tuolumne County or any future entity having land use authority may, in conjunction with a proposed general plan or specific plan adoption or amendment, request ALUC consideration of additions to these maps.

3.3. COLUMBIA AIRPORT

3.3.1. Compatibility Map Delineation

3.3.1.1. *Compatibility Map* --- The Compatibility Map for Columbia Airport is presented in Figure 3A and is to be used in conjunction with the criteria set forth in Table 2A.

3.3.1.2. *Boundary Determinants*

- (a) *Zone B2* extends farther to the south than it does beyond the other runway ends because nearly all approaches and departures by fire attack aircraft and the preponderance of nighttime operations by all aircraft types are concentrated over this area. Also, the airport's only instrument approach procedure is from the south. For all runway ends, *Zone B2* is weighted toward the side of the runway on which the traffic pattern is located.
- (b) *Zone C*, as well as the overall airport influence area boundary, has been extended west to encompass the relatively wide traffic pattern flown at the airport. The western boundary follows the New Melones Reservoir property line. Southwest of the airport, the *Zone C* boundary encompasses both the traffic pattern for Runway 11-29 and the flight tracks of occasional aircraft which turn slightly eastward when departing Runway 17.
- (c) *Zone D* on the east side of the airport is included in order to establish buyer awareness measures and to encompass the rising terrain to the northeast. On the southeast, the outer boundary is drawn contiguous with the Sonora city limits.

3.3.2. Additional Compatibility Policies

3.3.2.1. Notwithstanding the countywide policy regarding infill development (Policy 2.2.4.3.(a)), lands along the southwest side of Parrotts Ferry Road between Springfield Road and Highway 49 and lying within 750 feet of the road right-of-way may be developed to a maximum residential density of 15 dwelling units per acre. The limits of this area are marked with an asterisk (*) on the *Columbia Airport Compatibility Map* (Figure 3A). For nonresidential development, no special exceptions are provided by this policy --- the criteria of Policy 2.2.4.3(a) shall apply.

3.4. PINE MOUNTAIN LAKE AIRPORT

3.4.1. Compatibility Map Delineation

3.4.1.1. *Compatibility Map* --- The Compatibility Map for Pine Mountain Lake Airport is presented in Figure 3C and is to be used in conjunction with the criteria set forth in Table 2A.

3.4.1.2. *Boundary Determinants*

- (a) The different character of the aircraft mix at Pine Mountain Lake Airport compared to Columbia Airport allows *Zone B1* to be slightly narrower adjacent to the runway. However, *Zone B2* extends along the runway length in order to encompass more of the 55-dB CNEL contour.
- (b) *Zone B2* is angled southward on the runway's east end to take into account the Runway 27 GPS approach which is offset 20 degrees from the extended runway centerline. The north-side traffic pattern is reflected in the northward angle of *Zone B2* at both runway ends.
- (c) The limits of *Zone C* are intended to encompass the common traffic pattern.
- (d) The limits of *Zone D* are intended to encompass the Horizontal and Conical Surfaces of Part 77 of the Federal Aviation Regulations.

3.4.2 Additional Compatibility Policies

None

4

Background Data: Columbia Airport

Introduction

Columbia Airport is base for a mixture of light, general aviation aircraft plus fire attack airplanes and helicopters operated by the California Department of Forestry and Fire Protection. Small business-jet aircraft occasionally operate there as well. Moderate increases in airport activity levels are projected. No changes in the runway system configuration are planned.

Surrounding land uses are mostly low-density rural residential and agricultural. Many mobilehome parks plus several large-lot subdivisions exist in the area, however. The Columbia townsite, including Columbia State Historic Park, is situated to the northeast and the edges of the City of Sonora lie within two miles of the airport to the southeast. Continued urbanization of the airport environs is anticipated.

Data

The tables and drawings on the following pages provide background information regarding Columbia Airport and the land uses which surround it. The data does not represent ALUC policy. Rather, the information included here is intended to document the existing and projected future conditions which were taken into account in formulation of the policies in the previous two chapters.

GENERAL INFORMATION

- ▶ *Airport Ownership* — County of Tuolumne
- ▶ *Property Size*
 - ▶ Fee title: 368 acres
 - ▶ Avigation easements: 8.3 acres
- ▶ *Airport Classification* — General Aviation
- ▶ *Airport Elevation* — 2,118 feet MSL
- ▶ *Access*
 - ▶ Via Parrotts Ferry Road on east, South Airport Road on southwest, and North Airport Road on north
 - ▶ Columbia State Historic Park <1 mile via trail or road
 - ▶ State Highway 49 1 mile south

BUILDING AREA

- ▶ *Location* — Core area on east side; additional facilities on southwest and northeast
- ▶ *Aircraft Parking Capacity*
 - ▶ Hangar spaces for 80-90 aircraft
 - ▶ 139 paved tiedowns (53 for transient aircraft use)
- ▶ *Other Major Facilities*
 - ▶ Terminal building/pilots' lounge
 - ▶ 3 aircraft maintenance hangars
 - ▶ CDF Air Attack Base
 - ▶ Fly-in campground
- ▶ *Services*
 - ▶ 12± commercial aviation businesses on airport
 - ▶ Aviation gasoline and jet fuel available
 - ▶ Aircraft maintenance, rental, charter; flight training

RUNWAY SYSTEM

Runway 17-35

- ▶ *Critical Aircraft* — Light twin; also fire attack aircraft
- ▶ *Classification* — Airport Reference Code B-I (small)
- ▶ *Dimensions* — 4,670 feet long, 75 feet wide
- ▶ *Average Gradient* — 1.01% (high end on north)
- ▶ *Lighting* — Medium-intensity edge lighting
- ▶ *Approach Type*
 - ▶ Runway 17: visual and circling (1-mi. visibility)
 - ▶ Runway 35: nonprecision straight-in (1-mi. visibility)
- ▶ *Electronic Navigational Aids*
 - ▶ Runway 17: GPS
 - ▶ Runway 35: GPS
- ▶ *Visual Navigational Aids*
 - ▶ Runway 17: REIL, VASI (4.55°)
 - ▶ Runway 35: REIL, VASI (4.0°)
- ▶ *Primary Taxiways*
 - ▶ Full-length parallel on east side

Runway 11-29

- ▶ *General*
 - ▶ Unlighted, turf strip limited to dry-weather use
 - ▶ Visual approaches only
- ▶ *Dimensions* — 2,600 feet long, 100 feet wide

APPROACH PROTECTION AND TRAFFIC PATTERNS

Runway 17-35

- ▶ *Runway Protection Zones*
 - ▶ Runway 17: 1,000 feet long; all on airport
 - ▶ Runway 35: 1,000 feet long; on airport or controlled by easements
- ▶ *Approach Obstacles*
 - ▶ Runway 17: Trees at/above 20:1 approach surface
 - ▶ Runway 35: Trees at/above 20:1 approach surface
- ▶ *Airplane Traffic Pattern*
 - ▶ Right traffic Rwy 17
 - ▶ Pattern altitude: 1,000 feet AGL
- ▶ *Noise Abatement Procedures* — None
- ▶ *Helicopter Traffic Pattern* — None

Runway 11-29

- ▶ *Runway Protection Zones*
 - ▶ Runway 11: 1,000 feet long; all on airport
 - ▶ Runway 35: 1,000 feet long; all on airport
- ▶ *Approach Obstacles*
 - ▶ Runway 11: Trees/ground/road above 20:1 approach surface
 - ▶ Runway 29: Tree at/above 20:1 approach surface
- ▶ *Airplane Traffic Pattern*
 - ▶ Right traffic Rwy 11; takeoffs prohibited on Rwy 11
 - ▶ Pattern altitude: 1,000 feet AGL

Exhibit 4A Airport Features Information Columbia Airport

BASED AIRCRAFT			RUNWAY USE DISTRIBUTION ^b		
<i>Current</i> ^a	<i>Future</i> ^a		<i>Day</i>	<i>Current & Future</i> ^a	
				<i>Night</i>	
Single-Engine	138	176	<i>Single-Engine</i>		
Twin-Engine	5	15	Takeoffs		
Business Jets	0	3	Runway 17	84%	97%
Helicopters	2	6	Runway 35	10%	3%
Total	145	200	Runway 11	0%	0%
			Runway 29	6%	0%
			Landings		
			Runway 17	83%	20%
			Runway 35	9%	80%
			Runway 11	2%	0%
			Runway 29	6%	0%
			<i>Twin-Engine & Business Jets</i>		
			Takeoffs		
			Runway 17	93%	99%
			Runway 35	7%	1%
			Landings		
			Runway 17	90%	20%
			Runway 35	10%	80%
			<i>Fire Attack</i>		
			Takeoffs		
			Runway 17	99%	—
			Runway 35	1%	—
			Landings		
			Runway 17	3%	—
			Runway 35	97%	—

AIRCRAFT OPERATIONS		
<i>Current</i> ^a	<i>Future</i> ^a	
Total		
Annual	40,800	60,000
Average Day	112	164
Distribution		
Single-Engine	86%	83%
Twin-Engine	10%	13%
Business Jets	<0.5%	<0.5%
Helicopter	1%	2%
S-2 Fire Attack	3%	2%

TIME OF DAY DISTRIBUTION ^b		
<i>Current</i> ^a	<i>Future</i> ^a	
<i>Single-Engine</i>		
Day	96.3%	95.8%
Evening	2.9%	3.4%
Night	0.8%	0.8%
<i>Twin-Engine</i>		
Day	96.1%	95.4%
Evening	3.4%	4.1%
Night	0.5%	0.5%
<i>Business Jets</i>		
Day	98.8%	98.8%
Evening	1.2%	1.2%
Night	0.0%	0.0%
<i>Fire Attack</i>		
Day	97.0%	97.0%
Evening	3.0%	3.0%
Night	0.0%	0.0%

Notes

- ^a Source: *Columbia Airport Master Plan Report* (1997); current data is for 1995, projected data for beyond 2015.
- ^b Time of day and runway use distributions shown here are summarized from the *Master Plan Report*; for detailed data see the *Master Plan Report*.

Source: Data compiled by Shutt Moen Associates (March 1998)

**Exhibit 4D
Airport Activity Data
Columbia Airport**

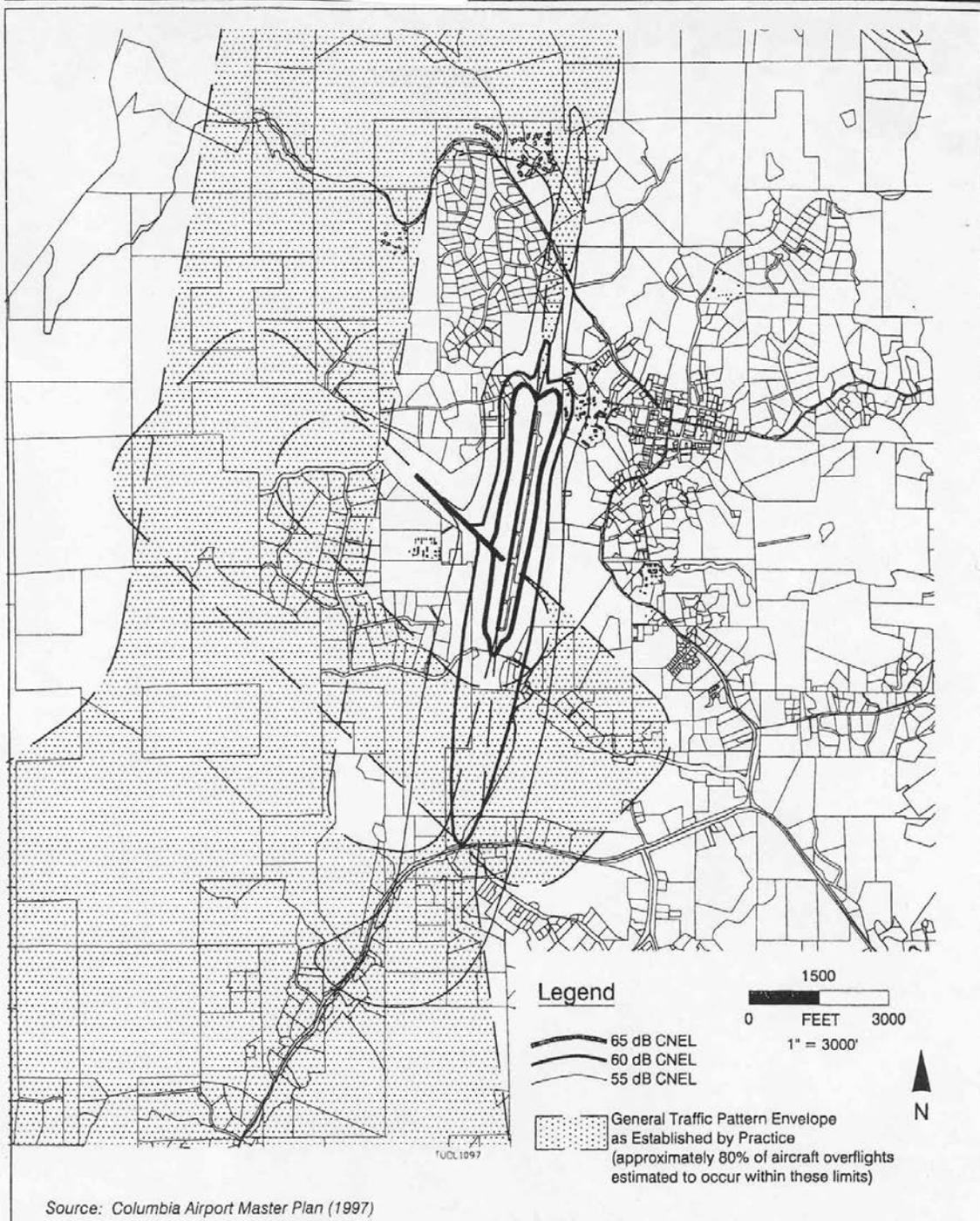


Exhibit 4E

Noise Impact Area – 2015 Busy Day
Columbia Airport

Summary of Aircraft Accidents, Columbia Airport

Exhibit 4F

	1	2	3	4	5	6	7	8	9	10
	Beech Sundowner 1975	Mooney 1976	Piper PA-38 5/5/80	Cessna 172M 8/2/80	Piper PA-38 5/1/81	Cessna 172N 6/4/83	Cessna 150H 6/17/83	Grumman S-2 8/84	Cessna 150G 7/21/85	Cessna 172N 4/27/86
Phase of Operation										
stationary / taxiing										
takeoff: run										
takeoff: initial climb				X					X	
landing: in traffic pattern			X							
landing: in final approach					X					
landing: touchdown / roll out		X				X		X		X
other	X						X ^{7A}			
Nature of Impact										
hard landing / gear up / ground loop / etc.		X				X		X ^{8A}		X
undershoot / overshoot					X					
collision with objects	X ^{1A}	X	X ^{3A}		X ^{5A}		X ^{7B}		X ^{9A}	
forced landing							X			
uncontrolled descent / impact				X ^{4A}						
collision between aircraft in flight										
other										
Location of Impact										
on / adjacent to runway						X		X		X
in runway protection zone										
in approach zone										
on airport property		X								
off airport	X ^{1B}		X	X	X		X ^{7C}		X ^{9B}	
Causes / Factors										
pilot: improper operation of controls		X		X	X	X	X	X	X	X
pilot: failure to see / avoid objects	X		X							
pilot: inadequate preflight procedures										
fuel exhaustion										
mechanical failure									X	
adverse wind / weather				X ^{4B}		X ^{6A}				
other										
Miscellaneous Conditions										
light conditions	day	day	day	day	night			day	night	
visibility				>5 mi.					VMC	
student pilot			X							
injuries	0	0	0	0	1	3	0	0	0	0
fatalities	1	0	0	0	1	0	0	0	2	0

Summary of Aircraft Accidents, Columbia Airport

Exhibit 4F

	11	12	13	14	15	16	17	18	19	20
	Grumman S-2 7/86	Piper J-3 6/22/86	Homebuilt 8/31/86	Cessna 120 11/17/86	Cessna 172N 3/8/88	Piper PA-34 3/26/88	Piper PA-18 8/26/89	Cessna 340 2/4/91	Cessna 182 8/24/91	Luscombe 8A 9/17/92
Phase of Operation										
stationary / taxiing				X						
takeoff: run										
takeoff: initial climb										
landing: in traffic pattern										
landing: in final approach					X		X			
landing: touchdown / roll out	X	X	X			X		X	X	X
other										
Nature of Impact										
hard landing / gear up / ground loop / etc.		X	X		X	X	X		X	X
undershoot / overshoot						X	X ^{17A}	X ^{18A}		
collision with objects	X ^{11A}									
forced landing			X							
uncontrolled descent / impact										
collision between aircraft in flight										
other				X ^{14A}						
Location of Impact										
on / adjacent to runway	X	X		X	X	X	X	X	X	X
in runway protection zone										
in approach zone										
on airport property										
off airport			X							
Causes / Factors										
pilot: improper operation of controls				X	X	X	X		X	X
pilot: failure to see / avoid objects										
pilot: inadequate preflight procedures										
fuel exhaustion										
mechanical failure	X ^{11B}	X	X							
adverse wind / weather					X ^{15A}				X ^{19A}	
other								X ^{18B}		
Miscellaneous Conditions										
light conditions								dusk		
visibility										
student pilot									X	
injuries	0	0	1	0	4	0	0	0	0	0
fatalities	0	0	0	0	0	0	0	0	0	0

Summary of Aircraft Accidents, Columbia Airport

Exhibit 4F

	21	22	23	24	25	26	27	28	29	30
	Piper PA-31 1/31/93	Piper PA-28 7/6/93	Ercoupe 415C 9/26/93	Maule M5-235C 5/13/94	Stinson 6/95	Lusco Imbe BE 7/9/95	Cessna 170 7/12/95	Boeing Brown 5/19/96	Cessna 140 5/97	Grumman S-2 8/97
Phase of Operation										
stationary / taxiing			X							
takeoff: run										
takeoff: initial climb										
landing: in traffic pattern										
landing: in final approach	X									
landing: touchdown / roll out				X	X	X	X	X	X	X
other		X ^{22A}								
Nature of Impact										
hard landing / gear up / ground loop / etc.			X	X	X ^{25A}	X	X	X	X ^{29A}	X ^{30A}
undershoot / overshoot	X	X ^{22B}								
collision with objects	X ^{21A}	X		X ^{24A}						X ^{30B}
forced landing										
uncontrolled descent / impact										
collision between aircraft in flight										
other										
Location of Impact										
on / adjacent to runway			X	X	X	X	X		X	X
in runway protection zone	X ^{21B}									
in approach zone										
on airport property										
off airport		X ^{22C}								
Causes / Factors										
pilot: improper operation of controls	X		X	X	X	X	X	X	X	
pilot: failure to see / avoid objects	X									
pilot: inadequate preflight procedures										
fuel exhaustion										
mechanical failure		X ^{22D}								X ^{30C}
adverse wind / weather				X ^{24B}		X ^{26A}	X ^{27A}			
other										
Miscellaneous Conditions										
light conditions	night				day			day	day	day
visibility		VMC						VMC		
student pilot										
injuries	0	2	0	0	0	0	0	0	0	0
fatalities	0	0	0	0	0	0	0	0	0	0

3A	Struck tree				
4A	Struck tree	4B	High density altitude; 4 kt tailwind		
5A	Struck tree				
6A	Winds and gusts to 15 knots				
7A	Attempted to go around	7B	Struck tree	7C	2 miles from airport
8A	Gear up				
9A	Struck tree	9B	1 mile northwest		
11A	Nose gear collapsed in ditch	11B	Brakes failed		
14A	Lost control during high-speed taxiing				
15A	Wind gusts				
17A	Struck boulder				
18A	Struck two deer on runway	18B	Inadequate design of facility		
19A	Unfavorable winds				
21A	Struck tree	21B	Landed on runway after collision		
22A	Attempted go-around	22B	Struck wires	22C	1 mile from airport
				22D	Possible carburetor icing
24A	Struck wind sock	24B	Crosswind		
26A	Crosswind				
27A	Crosswind				
29A	Ground loop				
30A	Gear collapsed	30B	Runway light and signs	30C	Brake locked at touch-down

Source: *Data compiled by Shutt Moen Associates (November 1998) from National Transportation Safety Board and Tuolumne County records*

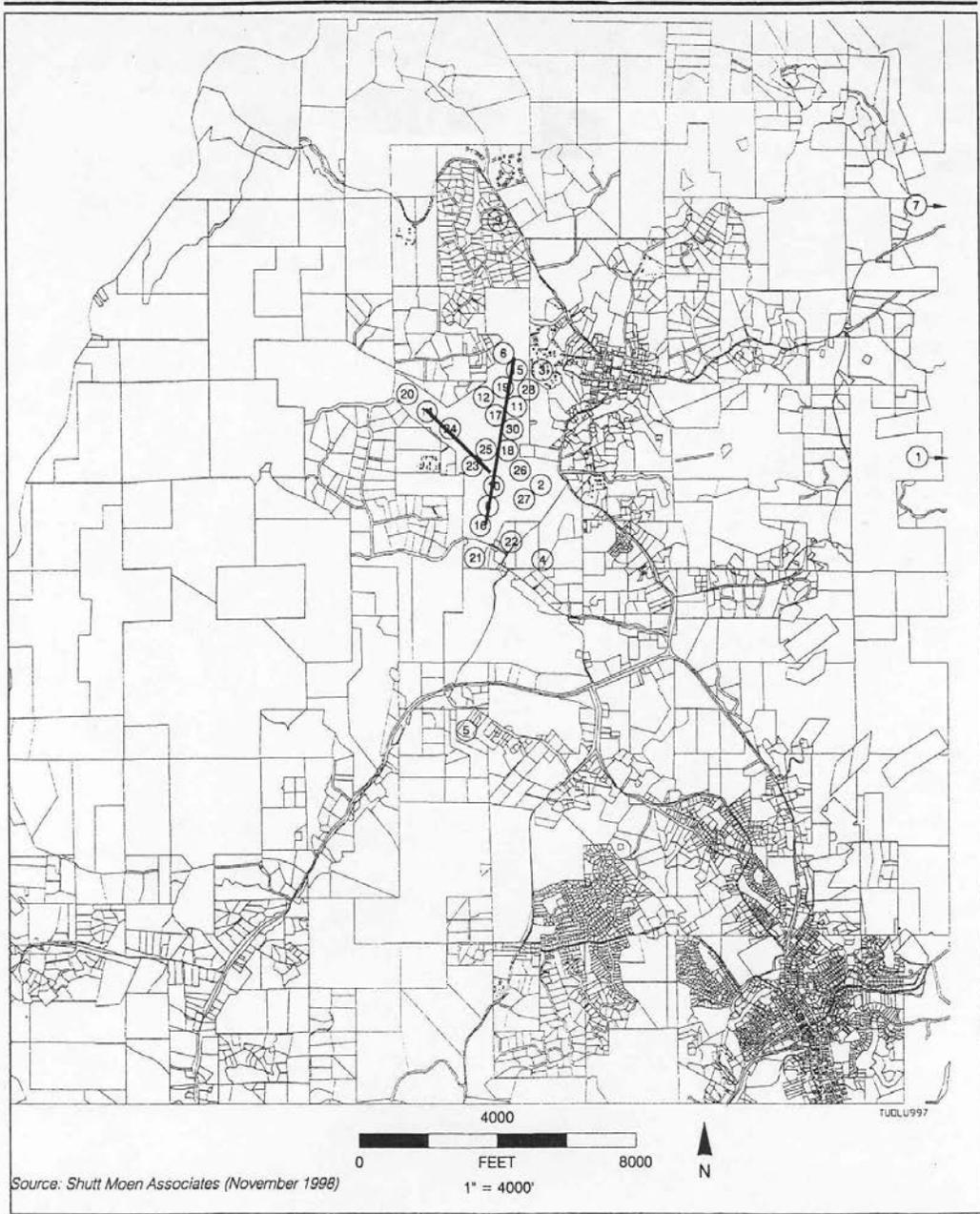


Exhibit 4F, Continued

AIRPORT LOCATION AND NEARBY TOPOGRAPHY

- ▶ *Location*
 - ▶ Adjacent to west side of Columbia town site and State Historic Park
 - ▶ 3 miles northwest of central Sonora
 - ▶ 2.0 miles east of New Melones Lake
- ▶ *Topography*
 - ▶ Generally hilly, boulder-filled terrain all around
 - ▶ Higher land in all directions, especially to east

AIRPORT ENVIRONS AND LAND USE JURISDICTIONS

- ▶ *County of Tuolumne*
 - ▶ County has land use jurisdiction over all nearby lands
 - ▶ Columbia Area Planning Commission provides input to Board of Supervisors on planning matters
- ▶ *City of Sonora*
 - ▶ Nearest point of Sonora city limits 2.0 miles southeast of airport

EXISTING AIRPORT AREA LAND USES

- ▶ *General Character*
 - ▶ Urban uses in and around Columbia town site
 - ▶ Low-density and rural residential areas all around
 - ▶ Moderately wooded lands throughout area
- ▶ *Runway Approaches*
 - ▶ North (Rwy 35): Pioneer Park at edge of airport; Gold Springs subdivision and rural residential beyond
 - ▶ South (Rwy 17): Scattered rural residential and grazing land
 - ▶ Southeast (Rwy 29): Undeveloped land; several mobile home parks north of approach zone along Parrotts Ferry Road
 - ▶ Northwest (Rwy 11): Open land and scattered rural residential uses
- ▶ *Traffic Patterns*
 - ▶ Mostly scattered rural residential development
 - ▶ Rwy 17-35 downwind leg follows edge of ravine around New Melones Lake

PLANNED LAND USES IN AIRPORT AREA

- ▶ *County of Tuolumne*
 - ▶ Additional low-density or rural residential development permitted in most locations
 - ▶ More intensive residential uses occurring along Parrotts Ferry Road
 - ▶ New commercial uses as infill in Columbia town site and 1.0 mile southeast at new Pedro Wye site
 - ▶ Site for new school 1.2 miles southeast
- ▶ *City of Sonora*
 - ▶ Sphere of influence extends to within 1.1 mile southeast of runway end
 - ▶ City limits within 2 miles of runway

ESTABLISHED COMPATIBILITY MEASURES

- ▶ Tuolumne County ALUC *Airport Land Use Policy Plan* (1977, as amended)
- ▶ Tuolumne County airport referral area ordinance (Tuolumne County Code Chapter 18.24)

Source: Data compiled by Shutt Moen Associates (March 1998)

5

Background Data: Pine Mountain Lake Airport

Introduction

Pine Mountain Lake Airport is a small facility designed in conjunction with the surrounding recreational and retirement community. Private taxiways provide access to aircraft hangars located at many of the nearby homes. Aircraft activity levels are light and consist mostly of single-engine and light, twin-engine airplanes. Straight-in, GPS-based instrument approach procedures were recently established to both ends of the runway. Except for proposed acquisition of approach protection easements within portions of the runway protection zones, no runway system design changes are planned.

Established residential areas of the Pine Mountain Lake community lie to the north and south of the airport. Lands to the east and west, along the runway approaches, remain mostly undeveloped, but will potentially be developed in the future.

Data

The tables and drawings on the following pages provide background information regarding Pine Mountain Lake Airport and the land uses which surround it. The data does not represent ALUC policy. Rather, the information included here is intended to document the existing and projected future conditions which were taken into account in formulation of the policies in Chapters 2 and 3.

GENERAL INFORMATION

- ▶ *Airport Ownership* — County of Tuolumne
- ▶ *Property Size*
 - ▶ Fee title: 56 acres
 - ▶ Avigation easements: 2 acres
- ▶ *Airport Category* — General Aviation
- ▶ *Airport Elevation* — 2,933 feet MSL (revised as a result of new survey data)
- ▶ *Access*
 - ▶ 0.1 mile north of Feretti Road via Elderberry Way
 - ▶ 4 miles northeast of Highway 120 at Groveland

BUILDING AREA

- ▶ *Location* — Public facilities exclusively on south side
- ▶ *Aircraft Parking Capacity*
 - ▶ 5 hangar units; 60 tiedowns on airport
 - ▶ 50± private hangars on adjacent properties (some not used for aircraft storage)
- ▶ *Other Major Facilities*
 - ▶ Coffee shop on adjacent property
 - ▶ Private hangars on residential properties both sides of airport
- ▶ *Services*
 - ▶ Two commercial aviation businesses on airport
 - ▶ Fuel available on call
 - ▶ Aircraft maintenance

RUNWAY SYSTEM

Runway 9-27

- ▶ *Critical Aircraft* — Light twin
- ▶ *Classification* — Airport Reference Code B-I (small)
- ▶ *Dimensions* — 3,625 feet long, 50 feet wide
- ▶ *Average Gradient* — 1.03% (high end on east)
- ▶ *Lighting* — Medium-intensity edge lighting
- ▶ *Approach Type*
 - ▶ Runway 9: nonprecision straight-in (1-mi. visibility)
 - ▶ Runway 27: nonprecision straight-in (1-mi. visibility)
- ▶ *Electronic Navigational Aids*
 - ▶ Runway 9: GPS
 - ▶ Runway 27: GPS
- ▶ *Visual Navigational Aids*
 - ▶ Runway 9: VASI (4.5°)
 - ▶ Runway 27: PAPI (4.0°)
- ▶ *Primary Taxiways*
 - ▶ Full-length parallel on south side; partial parallel on north side
 - ▶ Private taxiway through residential area on north

APPROACH PROTECTION AND TRAFFIC PATTERNS

Runway 9-27

- ▶ *Runway Protection Zones*
 - ▶ Runway 9: Inner _ on airport property; outer _ private land
 - ▶ Runway 27: Inner 200 feet on airport; ground then drops steeply; no airport control over remainder
- ▶ *Approach Obstacles*
 - ▶ Runway 9: Trees slightly below 20:1 surface
 - ▶ Runway 27: Trees slightly below 20:1 surface
- ▶ *Airplane Traffic Pattern*
 - ▶ Right traffic Rwy 9
 - ▶ Pattern altitude: 1,000 feet AGL
- ▶ *Noise Abatement Procedures* — None
- ▶ *Helicopter Traffic Pattern* — None

AIRPORT PLANNING

- ▶ *Airport Plan Documents*
 - ▶ 1998 Airport Layout Plan

PROPOSED FACILITY IMPROVEMENTS

- ▶ *Runway System*
 - Ø Completion of north side parallel taxiway
- ▶ *Approach Protection*
 - ▶ Easement acquisition in Runway 27 RPZ
- ▶ *Building Area*
 - ▶ Additional hangars; apron expansion toward east

Source: Data compiled by Shutt Moen Associates (March 1998)

Exhibit 5A

Airport Features Information-Pine Mountain Lake Airport

BASED AIRCRAFT			RUNWAY USE DISTRIBUTION		
<i>Current</i>	<i>Future</i>		<i>Current^c</i>	<i>Future^c</i>	
Single-Engine			<i>Single-Engine & Light Twins</i>		
Twin-Engine			Takeoffs – Day		
Business Jets			Runway 9	30%	
Helicopters			Runway 27	70%	
Total	78 ^a		Takeoffs – Night		
			Runway 9	85%	
			Runway 27	15%	
AIRCRAFT OPERATIONS			Landings – Day		No
<i>Current</i>	<i>Future^c</i>		Runway 9	30%	Change
Total			Runway 27	70%	
Annual	15,000 ^b	40,000	Landings – Night		
Average Day	41	110	Runway 9	85%	
			Runway 27	15%	
Distribution			<i>Turboprops</i>		
Single-Engine	88% ^c		Takeoffs		
Twin-Engine	10%	No	Runway 9	30%	
Turboprop	1%	Change	Runway 27	70%	No
Turbojet	<1%		Landings		Change
Helicopter	1%		Runway 9	40%	
			Runway 27	60%	
TIME OF DAY DISTRIBUTION			<i>Business Jets</i>		
<i>Current^c</i>	<i>Future^c</i>		Takeoffs		
<i>All Aircraft</i>			Runway 9	10%	
Day	90%	No	Runway 27	90%	No
Evening	8%	Change	Landings		Change
Night	2%		Runway 9	80%	
			Runway 27	20%	

Notes

- ^a Source: Tuolumne County Assessor's records
- ^b Source: Tuolumne County Airports Director and Caltrans Aeronautics Program
- ^c Source: Tuolumne County Airports Director and Shutt Moen Associates

Source: Data compiled by Shutt Moen Associates (March 1998)

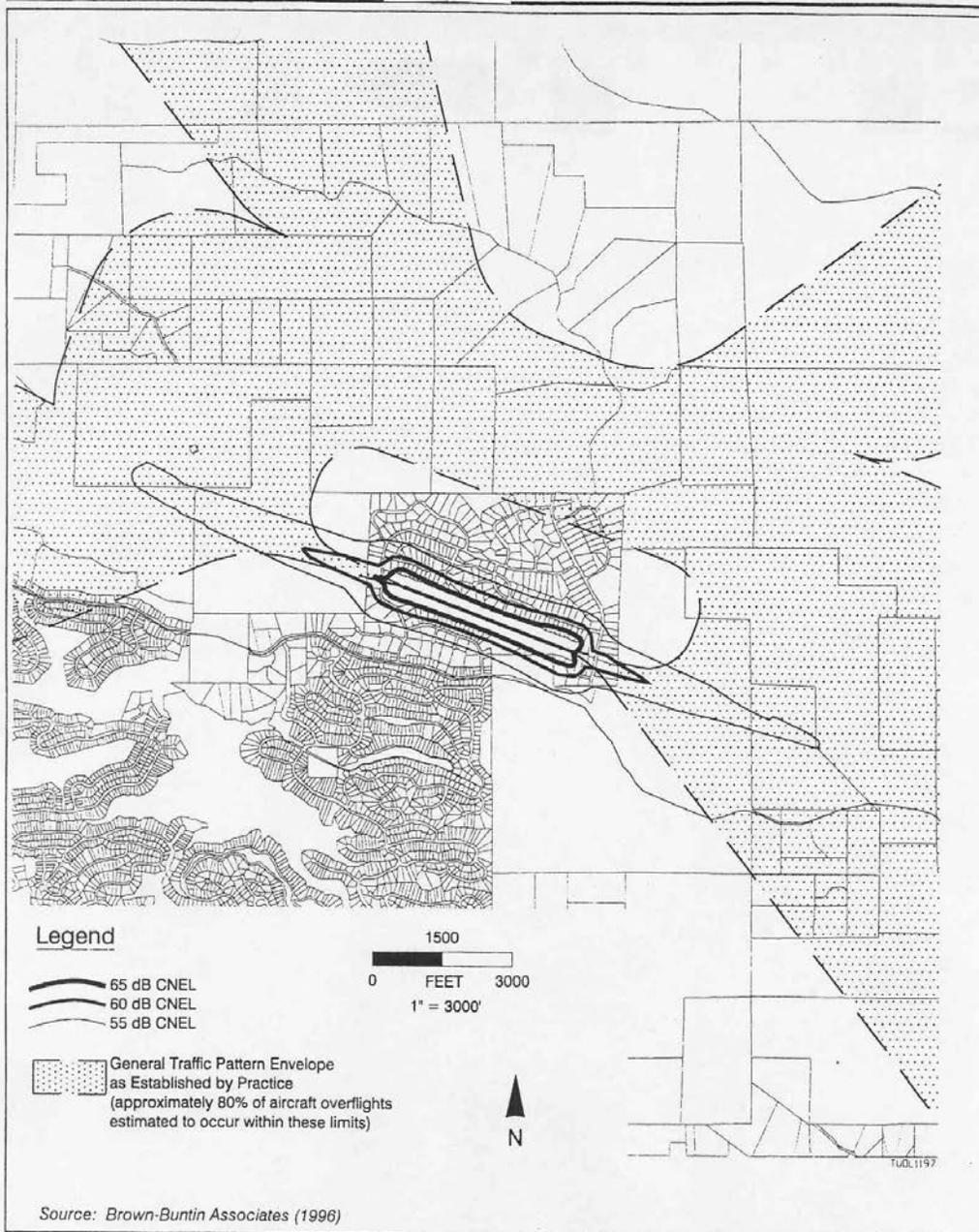


Exhibit 5E

Noise Impact Area – 2015
Pine Mountain Lake Airport

	1	2	3	4	5	6	7	8	9	10	11
	Mooney 1978	Cessna 152II 10/22/83	Cessna 172M 3/30/90	Cessna 150L 5/16/91	Aerospatiale TB-20 5/25/92	Cessna T310R 4/9/93	Homebuilt 6/18/93	Piper Everhardt PA-28R-180 12/5/94	Navion A 8/22/95	Glasair 4/2/96	Homebuilt 7/8/96
Phase of Operation											
stationary / taxiing											
takeoff: run											
takeoff: initial climb									X		
landing: in traffic pattern										X	
landing: in final approach							X				
landing: touchdown / roll out		X	X		X	X					X
other				X ^{4A}				X ^{8A}			
Nature of Impact											
hard landing/gear up/ground loop/etc.		X			X	X					
undershoot / overshoot											
collision with objects			X ^{3A}	X ^{4B}			X ^{7A}	X ^{8B}	X ^{9A}		X ^{11A}
forced landing				X					X		
uncontrolled descent / impact										X	
collision between aircraft in flight											
other											
Location of Impact											
on / adjacent to runway	X	X ^{2A}	X		X	X					X
in runway protection zone											
in approach zone							X ^{7B}			X	
on airport property											
off airport				X				X	X		
Causes / Factors											
pilot: improper operation of controls	X	X	X		X ^{5A}	X ^{6A}	X ^{7C}		X ^{9B}	X ^{10A}	X ^{11B}
pilot: failure to see / avoid objects				X			X	X			
pilot: inadequate preflight procedures				X ^{4C}							
fuel exhaustion				X					X		
mechanical failure		X ^{2B}								X ^{10B}	
adverse wind / weather		X ^{2C}					X ^{7D}				
other								X ^{8C}	X ^{9C}		
Miscellaneous Conditions											
light conditions							a.m.	night			evening
visibility									VFR		VMC
student pilot											
injuries		1	0	0	0	0	1	0	2	0	0
fatalities	2	0	0	0	0	0	1	2	0	1	0

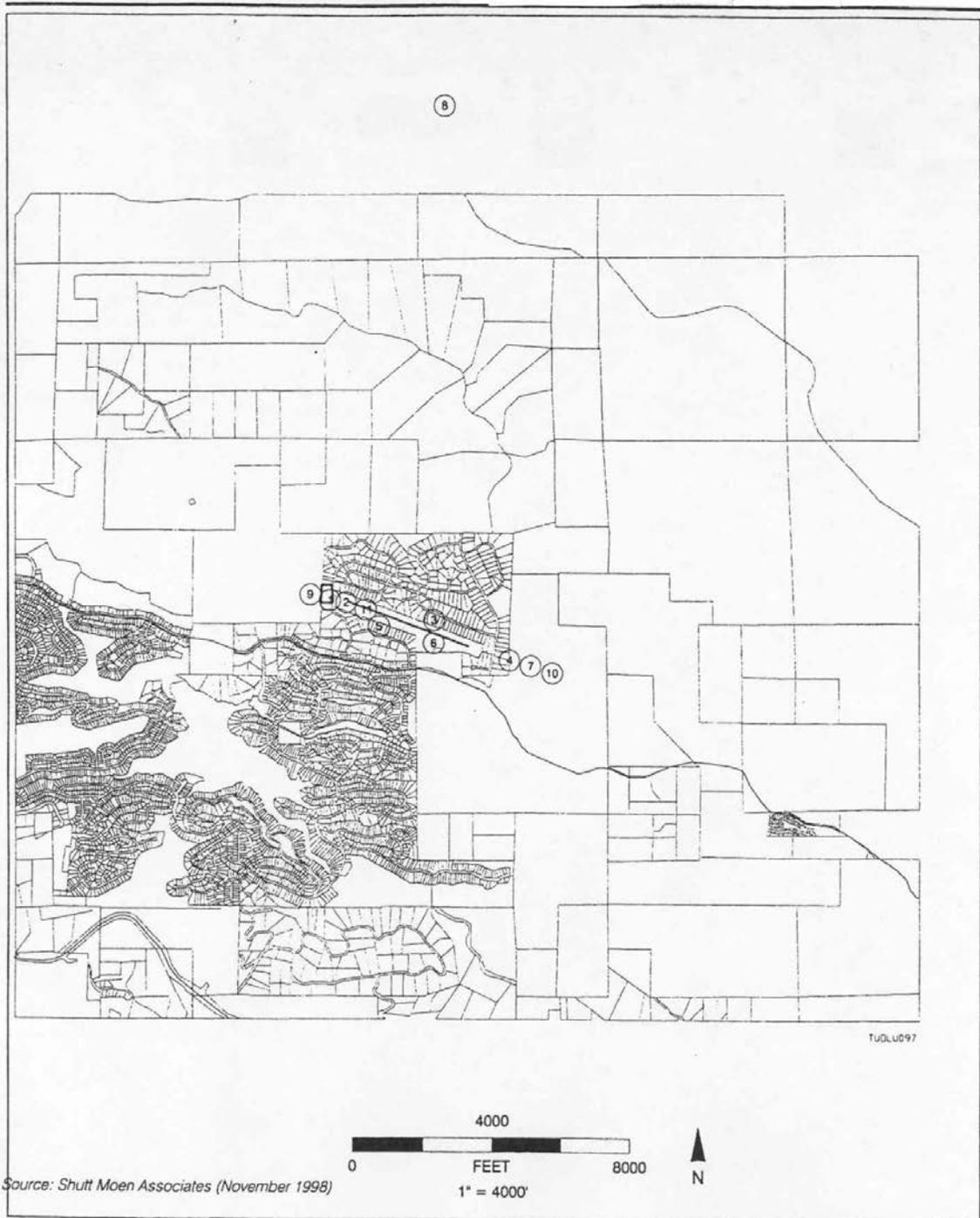
Exhibit 5F

Summary of Aircraft Accidents Pine Mountain Lake Airport

2A	Ran off end of runway.	2B	Nose gear collapse.	2C	Crosswind and tailwind.
3A	Collision with ditch on right side of runway.				
4A	Forced landing decent.	4B	Wires.	4C	Failure to calculate fuel consumption
5A	Inadvertent retraction of landing gear during landing roll out.				
6A	Failure to lower landing gear.				
7A	Trees.	7B	0.5 mile from approach end of runway.	7C	Failure to maintain proper glide path.
7D	Sun glare in pilot's line of vision.				
8A	Apparently normal flight.	8B	Mountainous terrain.	8C	Pilot distracted by making cellular phone calls.
9A	Trees.	9B	Improper position of fuel selector.	10C	Lack of suitable terrain for forced landing.
10A	Failure to maintain adequate air-speed.	10B	Known mechanical discrepancy in throttle linkage which caused partial engine power loss.		
11A	Terrain.	11B	Loss of directional control.		

Source: Data compiled by Shutt Moen Associates (November 1998)
from National Transportation Safety Board and Tuolumne County records

Exhibit 5F, Continued



Source: Shutt Moen Associates (November 1998)

Exhibit 5F, Continued

AIRPORT LOCATION AND NEARBY TOPOGRAPHY

Ø *Location*

- Ø In northeast corner of recreational/retirement community of Pine Mountain Lake
- Ø 4 miles northeast of town of Groveland
- Ø 25 miles west of Highway 120 entrance to Yosemite National Park

Ø *Topography*

- Ø Generally hilly, steep terrain in vicinity
- Ø Airport situated on high plateau; minimal higher terrain within 3 miles
- Ø Tuolumne River canyon 1 mile north

AIRPORT ENVIRONS AND LAND USE JURISDICTIONS

Ø *County of Tuolumne*

- Ø County has jurisdiction over nearby lands except Stanislaus National Forest
- Ø No incorporated cities in vicinity
- Ø Southern Tuolumne County Planning Commission provides input to Board of Supervisors on planning matters

EXISTING AIRPORT AREA LAND USES

Ø *General Character*

- Ø Primarily low-density and rural residential all around
- Ø Extensively wooded area

Ø *Runway Approaches*

- Ø East (Rwy 27): 3 houses in RPZ; wooded area beyond
- Ø West (Rwy 9): undeveloped, semi-wooded area

Ø *Traffic Pattern*

- Ø Low-density residential and undeveloped land

Source: Data compiled by Shutt Moen Associates (March 1998)

PLANNED LAND USES IN AIRPORT AREA

Ø *County of Tuolumne*

- Ø *General Plan* permits additional low-density and rural residential development north, east, and west of airport
- Ø Tuolumne Oaks subdivision — 368 home sites and golf course on 1,158 acres — immediately east and southeast of airport has preliminary approvals (as of early 1998), but may be subject to redesign because of water supply constraints

ESTABLISHED COMPATIBILITY MEASURES

Ø Tuolumne County ALUC *Airport Land Use Policy Plan* (1977, as amended)

Ø Tuolumne County airport referral area ordinance (Tuolumne County Code Chapter 18.24)

Appendix A

State Laws Related to Airport Land Use Planning

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(as of October 2002)

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	(excerpts pertaining to rights of aircraft flight)	
21655, 21658, 21659	Regulation of Obstructions	A-16
	(excerpts)	
21661.5, 21664.5	Regulation of Airports.....	A-18
	(excerpts pertaining to approval of new airports and airport expansion)	

Government Code

Sections

65302.3	Authority for and Scope of General Plans.....	A-19
	(excerpts pertaining to general plans consistency with airport land use plans)	
65943 – 65945.7	Application for Development Projects.....	A-20
	(excerpts referenced in State Aeronautics Act)	
66030 – 66031	Mediation and Resolution of Land Use Disputes	A-25
	(excerpts applicable to ALUC decisions)	
66455.9	School Site Review	A-28
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17215	School Facilities, General Provisions	A-29
	(excerpts pertaining to Department of Transportation review of elementary and secondary school sites)	
81033	Community Colleges, School Sites.....	A-31
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Sections

21096	California Environmental Quality Act, Airport Planning	A-33
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Legislative History Summary

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PUBLIC UTILITIES CODE
Division 9 — Aviation
Part 1 — State Aeronautics Act
Chapter 4 — Airports and Air Navigation Facilities

Article 3.5
AIRPORT LAND USE COMMISSION

(As of October, 2002)

21670. Creation; Membership; Selection

(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 for 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 subdivisions (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 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 the member 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

21670.1.Action by Designated Body Instead of Commission

- (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 that 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 this 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 of 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 (2) 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 noncompliance 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 airport land use plans with the Division of Aeronautics under the California Aids to Airport 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 conditions 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.

21670.2.Applicability to Counties Having over 4 Million Population

(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.

21670.4.

(a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by an existing airport land use commission in its comprehensive land use plan in accordance with Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

- (c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may either:
- (1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:
 - (A) One representing the cities in each of the counties, appointed by that county's city selection committee.
 - (B) One representing each of the counties, appointed by the board of supervisors of each county.
 - (C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
 - (D) One representing the general public, appointed by the other six members of the commission.
 - (2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21671. Airports Owned by a City, District, or County; Appointment of Certain Members by Cities and Counties

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) 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.

21671.5.Term of Office; Removal of Members; Vacancies; Compensation; Staff Assistance; Meetings

- (a) Except for the terms of office of the members of the first commission, the term of office for 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 if 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 her 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 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.

21672. Rules and Regulations

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.

21673. Initiation of Proceedings for Creation by Owner of Airport

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.

21674. Powers and Duties

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.

21674.5. Training of Airport Land Use Commission's Staff

- (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 the 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 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.

21674.7

An airport land use commission that formulates, adopts or amends a comprehensive airport 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.

21675. Land Use Plan

- (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 the purpose 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.

21675.1. Adoption of Land Use Plan

- (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 the 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.

21675.2. Approval or Disapproval of Actions, Regulations, or Permits

- (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 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 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.

21676. Review of Local General Plans

- (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 a 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 addition 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.

21676.5. Review of Local Plans

- (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 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 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 the individual projects shall be reviewed by the commission.

21677. Marin County Override Provisions

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.

21678. Airport Owner's Immunity

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.

21679. Court Review

- (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.

21679.5. Deferral of Court Review

- (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 or 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 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.

AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9, Part 1

Chapter 3 — Regulation of Aeronautics

(*excerpts*)

21403. Lawful Flight; Unauthorized and Forced Landings; Damages; Use of Highways; Burden of Proof; Within Airport Approach Zone

- (a) Flight in aircraft over the land and waters of this state is lawful, unless at altitudes below those prescribed by federal authority, or unless conducted so as to be imminently dangerous to persons or property lawfully on the land or water beneath. The landing of an aircraft on the land or waters of another, without his or her consent, is unlawful except in the case of a forced landing or pursuant to Section 21662.1. The owner, lessee, or operator of the aircraft is liable, as provided by law, for damages caused by a forced landing.
- (b) The landing, takeoff, or taxiing of an aircraft on a public freeway, highway, road, or street is unlawful except in the following cases:
 - (1) A forced landing.
 - (2) A landing during a natural disaster or other public emergency if the landing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road, or street.
 - (3) When the landing, takeoff, or taxiing has received prior approval from the public agency having primary jurisdiction over traffic upon the freeway, highway, road or street. The prosecution bears the burden of proving that none of the exceptions apply to the act which is alleged to be unlawful.
- (c) The right of flight in aircraft includes the right of safe access to public airports, which includes the right of flight within the zone of approach of any public airport without restriction or hazard. The zone of approach of an airport shall conform to the specifications of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation.

AERONAUTICS LAW

PUBLIC UTILITIES CODE

Division 9, Part 1

Chapter 4 — Airports and Air Navigation Facilities

Article 2.7

REGULATION OF OBSTRUCTIONS

(excerpts)

21655. Proposed Site for Construction of State Building Within Two Miles of Airport; Investigation and Report; Expenditure of State Funds

Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport runway, or runway

proposed by an airport master plan, which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site 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 30 working days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written report of the investigation and its recommendations concerning acquisition of the site.

If the report of the department does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

21658. Construction of Utility Pole or Line in Vicinity of Aircraft Landing Area

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 open to public use, 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. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any airport for any property or property rights which would be taken or damaged hereby.

21659. Obstructions Near Airports Prohibited

(a) No person shall construct or alter any structure or permit any natural growth to grow at a height which exceeds the obstruction standards set forth in 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, Subpart C, unless a permit allowing the construction, alteration, or growth is issued by the department.

- (b) The permit is not required if the Federal Aviation Administration has determined that the construction, alteration, or growth does not constitute a hazard to air navigation or would not create an unsafe condition for air navigation. Subdivision (a) does not apply to a pole, pole line, distribution or transmission tower, or tower line or substation of a public utility.
- (c) Section 21658 is applicable to subdivision (b).

AERONAUTICS LAW

**PUBLIC UTILITIES CODE
Division 9, Part 1, Chapter 4**

**Article 3
REGULATION OF AIRPORTS
(*excerpts*)**

21661.5 Approval of Construction Plans; Submission of Plan to Airport Land Use Commission

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 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

21664.5 Approval of Sites; Amended Airport Permits; Airport Expansion Defined

- (a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of the section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
- (b) As used in this section, "airport expansion" includes any of the following:
- (1) The acquisition of clear zones or of any interest in land for the purpose of any other expansion as set forth in this section.
 - (2) The construction of a new runway.
 - (3) The extension or realignment of an existing runway.
 - (4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of subdivision (a), (b), or (c).
- (c) This section shall not apply to any expansion of an existing airport if the expansion commenced on or prior to the effective date of this section and the expansion met the approval on or prior to such effective date of each governmental agency which by law required such approval.

PLANNING AND ZONING LAW

**GOVERNMENT CODE
Title 7 — Planning and Land Use
Division 1 — Planning and Zoning
Chapter 3 — Local Planning**

**Article 5
AUTHORITY FOR AND SCOPE OF GENERAL PLANS
(*excerpts*)**

65302.3. General and Applicable Specific Plans; Consistency with Airport Land Use Plans; Amendment; Nonconcurrency Findings

- (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 of the provisions 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.

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

Chapter 4.5 — Review and Approval of Development Projects

Article 3

APPLICATION FOR DEVELOPMENT PROJECTS

(excerpts)

Note: The following government code sections are referenced in Section 21675.2(c) of the ALUC statutes.

65943. Completeness of Application; Determination; Time; Specification of Parts not Complete and Manner of Completion

- (a) Not later than 30 calendar days after any public agency has received an application for a development project, the agency shall determine in writing whether the application is complete and shall immediately transmit the determination to the applicant for the development project. If the written determination is not made within 30 days after receipt of the application, and the application includes a statement that it is an application for a development permit, the application shall be deemed complete for purposes of this chapter. Upon receipt of any resubmittal of the application, a new 30-day period shall begin, during which the public agency shall determine the completeness of the application. If the application is determined not to be complete, the agency's determination shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application. The applicant shall submit materials to the public agency in response to the list and description.
- (b) Not later than 30 calendar days after receipt of the submitted materials, the public agency shall determine in writing whether they are complete and shall immediately transmit that determination to the applicant. If the written determination is not made within that 30-day period, the application together with the submitted materials shall be deemed complete for the purposes of this chapter.
- (c) If the application together with the submitted materials are determined not to be complete pursuant to subdivision (b), the public agency shall provide a process for the applicant to appeal that decision in writing to the governing body of the agency or, if there is no governing body, to the director of the agency, as provided by that agency. A city or county shall provide that the right of appeal is to the governing body or, at their option, the planning commission, or both.

There shall be a final written determination by the agency of the appeal not later than 60 calendar days after receipt of the applicant's written appeal. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the

60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.

- (d) Nothing in this section precludes an applicant and a public agency from mutually agreeing to an extension of any time limit provided by this section.
- (e) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65943.5.

- (a) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving a permit application to a board, office, or department within the California Environmental Protection Agency shall be made to the Secretary for Environmental Protection.
- (b) Notwithstanding any other provision of this chapter, any appeal pursuant to subdivision (c) of Section 65943 involving an application for the issuance of an environmental permit from an environmental agency shall be made to the Secretary for Environmental Protection under either of the following circumstances:
 - (1) The environmental agency has not adopted an appeals process pursuant to subdivision (c) of Section 65943.
 - (2) The environmental agency declines to accept an appeal for a decision pursuant to subdivision (c) of Section 65943.
- (c) For purposes of subdivision (b), “environmental permit” has the same meaning as defined in Section 71012 of the Public Resources Code, and “environmental agency” has the same meaning as defined in Section 71011 of the Public Resources Code, except that “environmental agency” does not include the agencies described in subdivisions (c) and (h) of Section 71011 of the Public Resources Code.

65944. Acceptance of Application as Complete; Requests for Additional Information; Restrictions; Clarification, Amplification, Correction, etc; Prior to Notice of Necessary Information

- (a) After a public agency accepts an application as complete, the agency shall not subsequently request of an applicant any new or additional information which was not specified in the list prepared pursuant to Section 65940. The agency may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application.

- (b) The provisions of subdivision (a) shall not be construed as requiring an applicant to submit with his or her initial application the entirety of the information which a public agency may require in order to take final action on the application. Prior to accepting an application, each public agency shall inform the applicant of any information included in the list prepared pursuant to Section 65940 which will subsequently be required from the applicant in order to complete final action on the application.
- (c) This section shall not be construed as limiting the ability of a public agency to request and obtain information which may be needed in order to comply with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code.

65945. Notice of Proposal to Adopt or Amend Certain Plans or Ordinances by City or County, Fee; Subscription to Periodically Updated Notice as Alternative, Fee

- (a) At the time of filing an application for a development permit with a city or county, the city or county shall inform the applicant that he or she may make a written request to retrieve notice from the city or county of a proposal to adopt or amend any of the following plans or ordinances:
 - (1) A general plan.
 - (2) A specific plan.
 - (3) A zoning ordinance.
 - (4) An ordinance affecting building permits or grading permits.

The applicant shall specify, in the written request, the types of proposed action for which notice is requested. Prior to taking any of those actions, the city or county shall give notice to any applicant who has requested notice of the type of action proposed and whose development project is pending before the city or county if the city or county determines that the proposal is reasonably related to the applicant's request for the development permit. Notice shall be given only for those types of actions which the applicant specifies in the request for notification. The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

- (b) As an alternative to the notification procedure prescribed by subdivision (a), a city or county may inform the applicant at the time of filing an application for a development permit that he or she may subscribe to a periodically updated notice or set of notices from the city or county which lists pending proposals to adopt or amend any of the plans or ordinances specified in subdivision (a), together with the status of the proposal and the date of any hearings thereon which have been set.

Only those proposals which are general, as opposed to parcel-specific in nature, and which the city or county determines are reasonably related to requests for development permits, need be listed in the notice. No proposals shall be required to be listed until such time as the first public hearing thereon has been set. The notice shall be updated and mailed at least once every six weeks; except that a notice need not be updated and mailed until a change in its contents is required.

The city or county may charge the applicant for a development permit, to whom notice is provided pursuant to this subdivision, a reasonable fee not to exceed the actual cost of providing that notice, including the costs of updating the notice, for the length of time the applicant requests to be sent the notice or notices.

65945.3. Notice of Proposal to Adopt or Amend Rules or Regulations Affecting Issuance of Permits by Local Agency other than City or County; Fee

At the time of filing an application for a development permit with a local agency, other than a city or county, the local agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a rule or regulation affecting the issuance of development permits.

Prior to adopting or amending any such rule or regulation, the local agency shall give notice to any applicant who has requested such notice and whose development project is pending before the agency if the local agency determines that the proposal is reasonably related to the applicant's request for the development permit.

The local agency may charge the applicant for a development permit, to whom notice is provided pursuant to this section, a reasonable fee not to exceed the actual cost of providing that notice. If a fee is charged pursuant to this section, the fee shall be collected as part of the application fee charged for the development permit.

65945.5. Notice of Proposal to Adopt or Amend Regulation Affecting Issuance of Permits and Which Implements Statutory Provision by State Agency

At the time of filing an application for a development permit with a state agency, the state agency shall inform the applicant that he or she may make a written request to receive notice of any proposal to adopt or amend a regulation affecting the issuance of development permits and which implements a statutory provision.

Prior to adopting or amending any such regulation, the state agency shall give notice to any applicant who has requested such notice and whose development project is pending before the state agency if the state agency determines that the proposal is reasonably related to the applicant's request for the development permit.

65945.7. Actions, Inactions, or Recommendations Regarding Ordinances, Rules or Regulations; Invalidity or Setting Aside Ground of Error Only if Prejudicial

No action, inaction, or recommendation regarding any ordinance, rule, or regulation subject to this Section 65945, 65945.3, or 65945.5 by any legislative body, administrative body, or the officials of any state or local agency shall be held void or invalid or be set aside by any court on the ground of any error, irregularity, informality, neglect, or omission (hereinafter called "error") as to any matter pertaining to notices, records, determinations, publications, or any matters of procedure whatever, unless after an examination of the entire case, including evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error that party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

65946. [Replaced by AB2351 Statutes of 1993]

PLANNING AND ZONING LAW

GOVERNMENT CODE

Title 7, Division 1

**Chapter 9.3 — Mediation and Resolution of Land Use Disputes
(*excerpts*)**

66030.

- (a) The Legislature finds and declares all of the following:
- (1) Current law provides that aggrieved agencies, project proponents, and affected residents may bring suit against the land use decisions of state and local governmental agencies. In practical terms, nearly anyone can sue once a project has been approved.
 - (2) Contention often arises over projects involving local general plans and zoning, redevelopment plans, the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), development impact fees, annexations and incorporations, and the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).
 - (3) When a public agency approves a development project that is not in accordance with the law, or when the prerogative to bring suit is abused, lawsuits can delay development, add uncertainty and cost to the development process, make housing more expensive, and damage California's competitiveness. This litigation begins in the superior court, and often progresses on appeal to the Court of Appeal and the Supreme Court, adding to the workload of the state's already overburdened judicial system.
- (b) It is, therefore, the intent of the Legislature to help litigants resolve their differences by establishing formal mediation processes for land use disputes. In establishing these mediation processes, it is not the intent of the Legislature to interfere with the ability of litigants to pursue remedies through the courts.

66031.

- (a) Notwithstanding any other provision of law, any action brought in the superior court relating to any of the following subjects may be subject to a mediation proceeding conducted pursuant to this chapter:
- (1) The approval or denial by a public agency of any development project.
 - (2) Any act or decision of a public agency made pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

- (3) The failure of a public agency to meet the time limits specified in Chapter 4.5 (commencing with Section 65920), commonly known as the Permit Streamlining Act, or in the Subdivision Map Act (Division 2 (commencing with Section 66410)).
 - (4) Fees determined pursuant to Sections 53080 to 53082, inclusive, or Chapter 4.9 (commencing with Section 65995).
 - (5) Fees determined pursuant to Chapter 5 (commencing with Section 66000).
 - (6) The adequacy of a general plan or specific plan adopted pursuant to Chapter 3 (commencing with Section 65100).
 - (7) The validity of any sphere of influence, urban service area, change of organization or reorganization, or any other decision made pursuant to the Cortese-Knox Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5).
 - (8) The adoption or amendment of a redevelopment plan pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).
 - (9) The validity of any zoning decision made pursuant to Chapter 4 (commencing with Section 65800).
 - (10) The validity of any decision made pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code.
- (b) Within five days after the deadline for the respondent or defendant to file its reply to an action, the court may invite the parties to consider resolving their dispute by selecting a mutually acceptable person to serve as a mediator, or an organization or agency to provide a mediator.
- (c) In selecting a person to serve as a mediator, or an organization or agency to provide a mediator, the parties shall consider the following:
- (1) The council of governments having jurisdiction in the county where the dispute arose.
 - (2) Any subregional or countywide council of governments in the county where the dispute arose.
 - (3) The Office of Permit Assistance within the Trade and Commerce Agency, pursuant to its authority in Article 1 (commencing with Section 15399.50) of Chapter 11 of Part 6.7 of Division 3 of Title 2.
 - (4) Any other person with experience or training in mediation including those with experience in land use issues, or any other organization or agency which can provide a person with experience or training in mediation, including those with experience in land use issues.

- (d) If the court invites the parties to consider mediation, the parties shall notify the court within 30 days if they have selected a mutually acceptable person to serve as a mediator. If the parties have not selected a mediator within 30 days, the action shall proceed. The court shall not draw any implication, favorable or otherwise, from the refusal by a party to accept the invitation by the court to consider mediation. Nothing in this section shall preclude the parties from using mediation at any other time while the action is pending.

PLANNING AND ZONING LAW

GOVERNMENT CODE
Title 7 — Planning and Land Use
Division 2 — Subdivisions
Chapter 3 — Procedure

Article 3
REVIEW OF TENTATIVE MAP BY OTHER AGENCIES
(excerpts)

66455.9.

Whenever there is consideration of an area within a development for a public schoolsite, the advisory agency shall give the affected districts and the State Department of Education written notice of the proposed site. The written notice shall include the identification of any existing or proposed runways within the distance specified in Section 17215 of the Education Code. If the site is within the distance of an existing or proposed airport runway as described in Section 17215 of the Education Code, the department shall notify the State Department of Transportation as required by the section and the site shall be investigated by the State Department of Transportation required by Section 17215.

EDUCATION CODE
Title 1 — General Education Code Provisions
Division 1 — General Education Code Provisions
Part 10.5 — School Facilities
Chapter 1 — School Sites

Article 1
GENERAL PROVISIONS
(excerpts)

Note: SB 161, Statutes of 1997, replaced Education Code Section 39005 with Section 17215; SB 967, Statutes of 1995, deleted Sections 39006 and 39007.

17215.

- (a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of schoolsites before acquiring title to property for a new schoolsite, the governing board of each school district, including any district governed by a city board of education, shall give the State Department of Education written notice of the proposed acquisition and shall submit any information required by the State Department of Education if the proposed site is within two miles, measured by air line, of that point on an airport runway or a potential runway included in an airport master plan that is nearest to the site.
- (b) Upon receipt of the notice required pursuant to subdivision (a), the State Department of Education shall notify the Department of Transportation in writing of the proposed acquisition. If the Department of Transportation is no longer in operation, the State Department of Education 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.
- (c) The Department of Transportation shall investigate the proposed site and, within 30 working days after receipt of the notice, shall submit to the State Department of Education a written report of its findings including recommendations concerning acquisition of the site. 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 schoolsite. The Department of Transportation shall adopt regulations setting forth the criteria by which a proposed site will be evaluated pursuant to this section.
- (d) The State Department of Education shall, within 10 days of receiving the Department of Transportation's report, forward the report to the governing board of the school district. The governing board may 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 schoolsite or an addition to a present schoolsite, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a schoolsite or an addition to a present schoolsite, the governing board shall hold a public hearing on the matter prior to acquiring the site.

- (e) If the Department of Transportation's recommendation does not favor acquisition of a proposed site, state funds or local funds may not be apportioned or expended for the acquisition of that site, construction of any school building on that site, or for the expansion of any existing site to include that site.
- (f) This section does not apply to sites acquired prior to January 1, 1966, nor to any additions or extensions to those sites.

EDUCATION CODE
Title 3 — Postsecondary Education
Division 7 — Community Colleges
Part 49 — Community Colleges, Education Facilities
Chapter 1 — School Sites

Article 2
SCHOOL SITES
(excerpts)

81033. Investigation: Geologic and Soil Engineering Studies; Airport in Proximity

- (c) 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 runway, or a runway proposed by an airport master plan, which is nearest the site and excluding them if the property is not so located, 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 of property which is within two miles, measured by air line, of that point on an airport runway, or a runway proposed by an airport master plan, which is nearest the site, 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 and report to the board of governors within 30 working 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 35 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 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.

- (d) 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 subdivision (c) 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 a 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 of the county in which the district lies shall be expended for such purposes; provided that provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor any additions or extensions to such sites.

If the recommendations of the Division of Aeronautics are unfavorable, such recommendations shall not be overruled without the express approval of the board of governors and the State Allocation Board.

PUBLIC RESOURCES CODE
California Environmental Quality Act Statutes
Chapter 2.6 — General

(excerpts)

21096. Airport Planning

- (a) If a lead agency prepares an environmental impact report for a project situated within airport comprehensive land use plan boundaries, or, if a comprehensive land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation, in compliance with Section 21674.5 of the Public Utilities Code and other documents, shall be utilized as technical resources to assist in the preparation of the environmental impact report as the report relates to airport-related safety hazards and noise problems.

- (b) A lead agency shall not adopt a negative declaration for a project described in subdivision (a) unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

LEGISLATIVE HISTORY SUMMARY

PUBLIC UTILITIES CODE
Sections 21670 et seq.
Airport Land Use Commission Statutes

- 1967 Original ALUC statute enacted.
- Establishment of ALUCs required in each county containing a public airport served by a certificated air carrier.
 - The purpose of ALUCs is indicated as being to make recommendations regarding height restrictions on buildings and the use of land surrounding airports.
- 1970 Assembly Bill 1856 (Badham) Chapter 1182, Statutes of 1970 — Adds provisions which:
- Require ALUCs to prepare comprehensive land use plans.
 - Require such plans to include a long-range plan and to reflect the airport's forecast growth during the next 20 years.
 - Require ALUC review of airport construction plans (Section 21661.5).
 - Exempt Los Angeles County from the requirement of establishing an ALUC.
- 1971 The function of ALUCs is restated as being to require new construction to conform to Department of Aeronautics standards.
- 1973 ALUCs are permitted to establish compatibility plans for military airports.
- 1982 Assembly Bill 2920 (Rogers) Chapter 1041, Statutes of 1982 — Adds major changes which:
- More clearly articulate the purpose of ALUCs.
 - Eliminate reference to “achieve by zoning.”
 - Require consistency between local general and specific plans and airport land use commission plans; the requirements define the process for attaining consistency, they do not establish standards for consistency.
 - Eliminate the requirement for proposed individual development projects to be referred to an ALUC for review once local general/specific plans are consistent with the ALUC's plan.
 - Require that local agencies make findings of fact before overriding an ALUC decision.
 - Change the vote required for an override from 4/5 to 2/3.
- 1984 Assembly Bill 3551 (Mountjoy) Chapter 1117, Statutes of 1984 — Amends the law to:
- Require ALUCs in all counties having an airport which serves the general public unless a county and its cities determine an ALUC is not needed.
 - Limit amendments to compatibility plans to once per year.
 - Allow individual projects to continue to be referred to the ALUC by agreement.

- Extend immunity to airports if an ALUC action is overridden by a local agency not owning the airport.
- Provide state funding eligibility for preparation of compatibility plans through the Regional Transportation Improvement Program process. 1987 Senate Bill 633 (Rogers) Chapter 1018, Statutes of 1987 — Makes revisions which:
 - Require that a designated body serving as an ALUC include two members having “expertise in aviation.”
 - Allows an interested party to initiate court proceedings to postpone the effective date of a local land use action if a compatibility plan has not been adopted.
 - Delete *sunset* provisions contained in certain clauses of the law.
 - Allows reimbursement for ALUC costs in accordance with the Commission on State Mandates.

- 1989 Senate Bill 255 (Bergeson) Chapter 54, Statutes of 1989 —
- Sets a requirement that comprehensive land use plans be completed by June 1991.
 - Establishes a method for compelling ALUCs to act on matters submitted for review.
 - Allows ALUCs to charge fees for review of projects.
 - Suspends any lawsuits that would stop development until the ALUC adopts its plan or until June 1, 1991.
- 1989 Senate Bill 235 (Alquist) Chapter 788, Statutes of 1989 — Appropriates \$3,672,000 for the payment of claims to counties seeking reimbursement of costs incurred during fiscal years 1985-86 through 1989-90 pursuant to state-mandated requirement (Chapter 1117, Statutes of 1984) for creation of ALUCs in most counties. This statute was repealed in 1993.
- 1990 Assembly Bill 4164 (Mountjoy) Chapter 1008, Statutes of 1990 — Adds section 21674.5 requiring the Division of Aeronautics to develop and implement a training program for ALUC staffs.
- 1990 Assembly Bill 4265 (Clute) Chapter 563, Statutes of 1990 — With the concurrence of the Division of Aeronautics, allows ALUCs to use an airport layout plan, rather than a long-range airport master plan, as the basis for preparation of a compatibility plan.
- 1990 Senate Bill 1288 (Beverly) Chapter 54, Statutes of 1990 — Amends Section 21670.2 to give Los Angeles County additional time to prepare compatibility plans and meet other provisions of the ALUC statutes.
- 1991 Senate Bill 532 (Bergeson) Chapter 140, Statutes of 1991 —
- Allows counties having half of their compatibility plans completed or under preparation by June 30, 1991, an additional year to complete the remainder.
 - Allows ALUCs to continue to charge fees under these circumstances.
 - Fees may be charged only until June 30, 1992, if plans are not completed by then.

- 1993 Senate Bill 443 (Committee on Budget and Fiscal Review) Chapter 59, Statutes of 1993 — Amends Section 21670(b) to make the formation of ALUCs permissive rather than mandatory as of June 30, 1993. (Note: Section 21670.2 which assigns responsibility for coordinating the airport planning of public agencies in Los Angeles County is not affected by this amendment.)
- 1994 Assembly Bill 2831 (Mountjoy) Chapter 644, Statutes of 1994 — Reinstates the language in Section 21670(b) mandating establishment of ALUCs, but also provides for an alternative airport land use planning process. Lists specific actions which a county and affected cities must take in order for such alternative process to receive Caltrans' approval. Requires that ALUCs be guided by information in the Caltrans' *Airport Land Use Planning Handbook* when formulating airport land use plans.
- 1994 Senate Bill 1453 (Rogers) Chapter 438, Statutes of 1994 — Amends Caltrans Environmental Quality Act (CEQA) statutes as applied to preparation of environmental documents affecting projects in the vicinity of airports. Requires lead agencies to use the *Airport Land Use Planning Handbook* as a technical resource when assessing the airport-related noise and safety impacts of such projects.
- 1997 Assembly Bill 1130 (Oller) Chapter 81, Statutes of 1997 — Added Section 21670.4 concerning airports whose planning boundary straddles a county line.
- 2000 Senate Bill 1350 (Rainey) Chapter 506, statutes of 2000 – Added Section 21670(f) clarifying that special districts are among the local agencies to which airport land use planning laws are intended to apply.
- 2002 Assembly Bill 2776 – requires disclosure that real property for sale is located within an airport influence area, effective January 1, 2004.

Appendix B
Federal Aviation Regulations Part 77
Objects Affecting Navigable Airspace

Subpart A
GENERAL

Amdt. 77-11, Sept. 25, 1989.

77.1 Scope.

This part:

- (a) Establishes standards for determining obstructions in navigable airspace;
- (b) Sets forth the requirements for notice to the Administrator of certain proposed construction or alteration;
- (c) Provides for aeronautical studies of obstructions to air navigation, to determine their effect on the safe and efficient use of airspace;
- (d) Provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and
- (e) Provides for establishing antenna farm areas.

77.2 Definition of Terms.

For the purpose of this part:

Airport available for public use means an airport that is open to the general public with or without a prior request to use the airport.

A seaplane base is considered to be an airport only if its sea lanes are outlined by visual markers.

Nonprecision instrument runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service military airport planning document.

Precision instrument runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA approved airport layout plan; a military service approved military airport layout plan; any other FAA planning document, or military service military airport planning document.

Utility runway means a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

77.3 Standards.

- (a) The standards established in this part for determining obstructions to air navigation are used by the Administrator in:
 - (1) Administering the Federal-aid Airport Program and the Surplus Airport Program;
 - (2) Transferring property of the United States under section 16 of the Federal Airport Act;
 - (3) Developing technical standards and guidance in the design and construction of airports; and
 - (4) Imposing requirements for public notice of the construction or alteration of any structure where notice will promote air safety.
- (b) The standards used by the Administrator in the establishment of flight procedures and aircraft operational limitations are not set forth in this part but are contained in other publications of the Administrator.

77.5 Kinds of Objects Affected.

This part applies to:

- (a) Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, and apparatus of a permanent or temporary character; and
- (b) Alteration of any permanent or temporary existing structure by a change in its height (including appurtenances), or lateral dimensions, including equipment or materials used therein.

Subpart B
NOTICE OF CONSTRUCTION OR ALTERATION

77.11 Scope.

- (a) This subpart requires each person proposing any kind of construction or alteration described in § 77.13(a) to give adequate notice to the Administrator. It specifies the locations and dimensions of the construction or alteration for which notice is required and prescribes the form and manner of the notice. It also requires supplemental notices 48 hours before the start and upon the completion of certain construction or alteration that was the subject of a notice under § 77.13(a).
- (b) Notices received under this subpart provide a basis for:
- (1) Evaluating the effect of the construction or alteration on operational procedures and proposed operational procedures;
 - (2) Determinations of the possible hazardous effect of the proposed construction or alteration on air navigation;
 - (3) Recommendations for identifying the construction or alteration in accordance with the current Federal Aviation Administration Advisory Circular AC 70/7460-1 entitled "Obstruction Marking and Lighting," which is available without charge from the Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.
 - (4) Determining other appropriate measures to be applied for continued safety of air navigation; and
 - (5) Charting and other notification to airmen of the construction or alteration.
(Sec. 6, 80 Stat. 937, 49 U.S.C. 1655)

77.13 Construction or Alteration Requiring Notice.

- (a) Except as provided in § 77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in § 77.17:
- (1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - (2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

- (i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.
 - (ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a)(5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.
 - (iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a)(5) of this section.
- (3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.
- (4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
- (5) Any construction or alteration on any of the following airports (including heliports):
- (i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
 - (ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that airport will be available for public use.
 - (iii) An airport that is operated by an armed force of the United States.
- (b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of the construction or alteration.
- (c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if -
- (1) The construction or alteration is more than 200 feet above the surface level of its site;
or
 - (2) An FAA regional office advises him that submission of the form is required.

77.15 Construction or Alteration Not Requiring Notice.

No person is required to notify the Administrator for any of the following construction or alteration:

- (a) 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 height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- (b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- (c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- (d) Any construction or alteration for which notice is required by any other FAA regulation.

77.17 Form and Time of Notice.

- (a) Each person who is required to notify the Administrator under § 77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- (b) The notice required under § 77.13(a)(1) through (4) must be submitted at least 30 days before the earlier of the following dates:
 - (1) The date the proposed construction or alteration is to begin.
 - (2) The date an application for a construction permit is to be filed. However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.
- (c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.
- (d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in

paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

- (e) Each person who is required to notify the Administrator by paragraph (b) or (c) of § 77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

77.19 Acknowledgment of Notice.

- (a) The FAA acknowledges in writing the receipt of each notice submitted under § 77.13(a).
- (b) If the construction or alteration proposed in a notice is one for which lighting or marking standards are prescribed in the FAA Advisory Circular AC 70/7460-1, entitled "Obstruction Marking and Lighting," the acknowledgment contains a statement to that effect and information on how the structure should be marked and lighted in accordance with the manual.
- (c) The acknowledgment states that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - (1) Would not exceed any standard of Subpart C and would not be a hazard to air navigation;
 - (2) Would exceed a standard of Subpart C but would not be a hazard to air navigation; or
 - (3) Would exceed a standard of Subpart C and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed the construction or alteration would be a hazard to air navigation.

Subpart C

OBSTRUCTION STANDARDS

77.21 Scope.

- (a) This subpart establishes standards for determining obstructions to air navigation. It applies to existing and proposed manmade objects, objects of natural growth, and terrain. The standards apply to the use of navigable airspace by aircraft and to existing air navigation facilities, such as an air navigation aid, airport, Federal airway, instrument approach or departure procedure, or approved off airway route. Additionally, they apply to a planned facility or use, or a change in an existing facility or use, if a proposal therefor is on file with the Federal Aviation Administration or an appropriate military service on the date the notice required by § 77.13(a) is filed.
- (b) At those airports having defined runways with specially prepared hard surfaces, the primary surface for each such runway extends 200 feet beyond each end of the runway. At those airports having defined strips or pathways that are used regularly for the taking off and landing of aircraft and have been designated by appropriate authority as runways, but do not have specially prepared hard surfaces, each end of the primary surface for each such

runway shall coincide with the corresponding end of the runway. At those airports, excluding seaplane bases, having a defined landing and takeoff area with no defined pathways for the landing and taking off of aircraft, a determination shall be made as to which portions of the landing and takeoff area are regularly used as landing and takeoff pathways. Those pathways so determined shall be considered runways and an appropriate primary surface as defined in § 77.25(c) will be considered as being longitudinally centered on each runway so determined, and each end of that primary surface shall coincide with the corresponding end of that runway.

- (c) The standards in this subpart apply to the effect of construction or alteration proposals upon an airport if, at the time of filing of the notice required by § 77.13(a), that airport is -
 - (1) Available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement; or
 - (2) A planned or proposed airport or an airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and, except for military airports, it is clearly indicated that that airport will be available for public use; or,
 - (3) An airport that is operated by an armed force of the United States.

77.23 Standards for Determining Obstructions.

- (a) An existing object, including a mobile object, is, and a future object would be, an obstruction to air navigation if it is of greater height than any of the following heights or surfaces:
 - (1) A height of 500 feet above ground level at the site of the object.
 - (2) A height that is 200 feet above ground level or above the established airport elevation, whichever is higher, within 3 nautical miles of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height increases in the proportion of 100 feet for each additional nautical mile of distance from the airport up to a maximum of 500 feet.
 - (3) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - (4) A height within an en route obstacle clearance area, including turn and termination areas, of a Federal airway or approved off airway route, that would increase the minimum obstacle clearance altitude.
 - (5) The surface of a takeoff and landing area of an airport or any imaginary surface established under § 77.25, § 77.28, or § 77.29. However, no part of the takeoff or landing area itself will be considered an obstruction.
- (b) Except for traverse ways on or near an airport with an operative ground traffic control service, furnished by an air traffic control tower or by the airport management and coordinated with the air traffic control service, the standards of paragraph (a) of this section

apply to traverse ways used or to be used for the passage of mobile objects only after the heights of these traverse ways are increased by:

- (1) Seventeen feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance.
- (2) Fifteen feet for any other public roadway.
- (3) Ten feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.
- (4) Twenty-three feet for a railroad, and,
- (5) For a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

77.25 Civil Airport Imaginary Surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

- (a) Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - (1) 5,000 feet for all runways designated as utility or visual;
 - (2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
- (b) 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.
- (c) Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - (1) 250 feet for utility runways having only visual approaches.

- (2) 500 feet for utility runways having nonprecision instrument approaches.
- (3) For other than utility runways the width is:
 - (i) 500 feet for visual runways having only visual approaches.
 - (ii) 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.
 - (iii) 1,000 feet for a nonprecision instrument runway having a nonprecision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways. The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.
- (d) Approach surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - (1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - (i) 1,250 feet for that end of a utility runway with only visual approaches;
 - (ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - (iii) 2,000 feet for that end of a utility runway with a nonprecision instrument approach;
 - (iv) 3,500 feet for that end of a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - (v) 4,000 feet for that end of a nonprecision instrument runway, other than utility, having a nonprecision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - (vi) 16,000 feet for precision instrument runways.
 - (2) The approach surface extends for a horizontal distance of:
 - (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;
 - (ii) 10,000 feet at a slope of 34 to 1 for all nonprecision instrument runways other than utility; and,
 - (iii) 10,000 feet at a slope of 50 to 1 with an additional 40,000 feet at a slope of 40 to 1 for all precision instrument runways.
 - (3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

- (e) **Transitional surface.** These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

77.27 [Reserved]

77.28 Military Airport Imaginary Surfaces.

- (a) *Related to airport reference points.* These surfaces apply to all military airports. For the purposes of this section a military airport is any airport operated by an armed force of the United States.
- (1) *Inner horizontal surface.* A plane is oval in shape at a height of 150 feet above the established airfield elevation. The plane is constructed by scribing an arc with a radius of 7,500 feet about the centerline at the end of each runway and interconnecting these arcs with tangents.
 - (2) *Conical surface.* A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20 to 1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield elevation.
 - (3) *Outer horizontal surface.* A plane, located 500 feet above the established airfield elevation, extending outward from the outer periphery of the conical surface for a horizontal distance of 30,000 feet.
- (b) *Related to runways.* These surfaces apply to all military airports.
- (1) *Primary surface.* A surface located on the ground or water longitudinally centered on each runway with the same length as the runway. The width of the primary surface for runways is 2,000 feet. However, at established bases where substantial construction has taken place in accordance with a previous lateral clearance criteria, the 2,000 foot width may be reduced to the former criteria.
 - (2) *Clear zone surface.* A surface located on the ground or water at each end of the primary surface, with a length of 1,000 feet and the same width as the primary surface.
 - (3) *Approach clearance surface.* An inclined plane, symmetrical about the runway centerline extended, beginning 200 feet beyond each end of the primary surface at the centerline elevation of the runway end and extending for 50,000 feet. The slope of the approach clearance surface is 50 to 1 along the runway centerline extended until it reaches an elevation of 500 feet above the established airport elevation. It then continues horizontally at this elevation to a point 50,000 feet from the point of beginning. The width of this surface at the runway end is the same as the primary surface, it flares uniformly, and the width at 50,000 is 16,000 feet.

- (4) *Transitional surfaces.* These surfaces connect the primary surfaces, the first 200 feet of the clear zone surfaces, and the approach clearance surfaces to the inner horizontal surface, conical surface, outer horizontal surface or other transitional surfaces. The slope of the transitional surface is 7 to 1 outward and upward at right angles to the runway centerline.

77.29 Airport Imaginary Surfaces for Heliports.

- (a) *Heliport primary surface.* The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
- (b) *Heliport approach surface.* The approach surface begins at each end of the heliport primary surface with the same width as the primary surface, and extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.
- (c) *Heliport transitional surfaces.* These surfaces extend outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontally from the centerline of the primary and approach surfaces.

Subpart D AERONAUTICAL STUDIES OF EFFECT OF PROPOSED CONSTRUCTION ON NAVIGABLE AIRSPACE

77.31 Scope.

- (a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.
- (b) The conclusion of a study made under this subpart is normally a determination as to whether the specific proposal studied would be a hazard to air navigation.

77.33 Initiation of Studies.

- (a) An aeronautical study is conducted by the FAA:

- (1) Upon the request of the sponsor or any construction or alteration for which a notice is submitted under Subpart B of this part, unless that construction or alteration would be located within an antenna farm area established under Subpart F of this part; or
- (2) Whenever the FAA determines it appropriate.

77.35 Aeronautical Studies.

- (a) The Regional Manager, Air Traffic Division of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.
- (b) To the extent considered necessary, the Regional Manager, Air Traffic Division or his designee:
 - (1) Solicits comments from all interested persons;
 - (2) Explores objections to the proposal and attempts to develop recommendations for adjustment of aviation requirements that would accommodate the proposed construction or alteration;
 - (3) Examines possible revisions of the proposal that would eliminate the exceeding of the standards in Subpart C of this part; and
 - (4) Convenes a meeting with all interested persons for the purpose of gathering all facts relevant to the effect of the proposed construction or alteration on the safe and efficient utilization of the navigable airspace.
- (c) The Regional Manager, Air Traffic Division or his designee issues a determination as to whether the proposed construction or alteration would be a hazard to air navigation and sends copies to all known interested persons. This determination is final unless a petition for review is granted under § 77.37.
- (d) If the sponsor revises his proposal to eliminate exceeding of the standards of Subpart C of this part, or withdraws it, the Regional Manager, Air Traffic Division, or his designee, terminates the study and notifies all known interested persons.

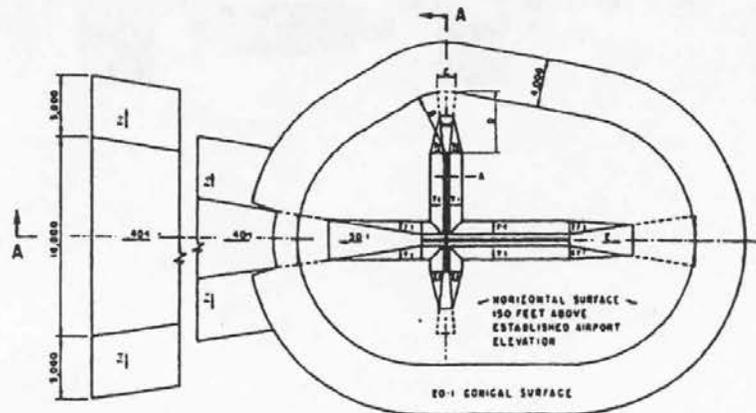
77.37 Discretionary Review.

- (a) The sponsor of any proposed construction or alteration or any person who stated a substantial aeronautical objection to it in an aeronautical study, or any person who has a substantial aeronautical objection to it but was not given an opportunity to state it, may petition the Administrator, within 30 days after issuance of the determination under § 77.19 or § 77.35 or revision or extension of the determination under § 77.39(c), for a review of the determination, revision, or extension. This paragraph does not apply to any acknowledgment issued under § 77.19(c)(1).

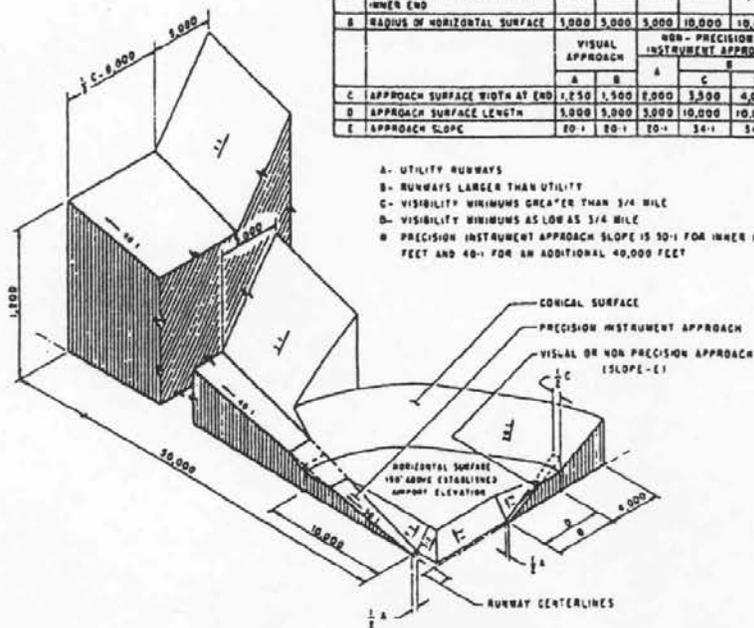
- (b) The petition must be in triplicate and contain a full statement of the basis upon which it is made.
- (c) The Administrator examines each petition and decides whether a review will be made and, if so, whether it will be:
 - (1) A review on the basis of written materials, including study of a report by the Regional Manager, Air Traffic Division of the aeronautical study, briefs, and related submissions by any interested party, and other relevant facts, with the Administrator affirming, revising, or reversing the determination issued under § 77.19, § 77.35 or § 77.39(c); or
 - (2) A review on the basis of a public hearing, conducted in accordance with the procedures prescribed in Subpart E of this part.

77.39 Effective Period of Determination of No Hazard.

- (a) Unless it is otherwise extended, revised, or terminated, each final determination of no hazard made under this subpart or Subpart B or E of this part expires 18 months after its effective date, regardless of whether the proposed construction or alteration has been started, or on the date the proposed construction or alteration is abandoned, whichever is earlier.
- (b) In any case, including a determination to which paragraph (d) of this section applies, where the proposed construction or alteration has not been started during the applicable period by actual structural work, such as the laying of a foundation, but not including excavation, any interested person may, at least 15 days before the date the final determination expires, petition the FAA official who issued the determination to:
 - (1) Revise the determination based on new facts that change the basis on which it was made; or
 - (2) Extend its effective period.
- (c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.
 - (d) In any case in which a final determination made under this subpart or Subpart B or E of this part relates to proposed construction or alteration that may not be started unless the Federal Communications Commission issues an appropriate construction permit, the effective period of each final determination includes -
 - (1) The time required to apply to the Commission for a construction permit, but not more than 6 months after the effective date of the determination; and
 - (2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.
 - (e) If the Commission issues a construction permit, the final determination is effective until the date prescribed for completion of the construction. If the Commission refuses to issue a construction permit, the final determination expires on the date of its refusal.



DIM	ITEM	DIMENSIONAL STANDARDS (FEET)					
		VISUAL RUNWAY		NON-PRECISION INSTRUMENT RUNWAY		PRECISION INSTRUMENT RUNWAY	
		A	B	A	C	D	
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	250	500	500	500	1,000	1,000
B	RADIUS OF HORIZONTAL SURFACE	1,000	5,000	5,000	10,000	10,000	10,000
C	APPROACH SURFACE WIDTH AT END	VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH		PRECISION INSTRUMENT APPROACH	
		A	B	A	C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,300	4,000	10,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	#
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	#



ISOMETRIC VIEW OF SECTION A-A

§ 77.25 CIVIL AIRPORT IMAGINARY SURFACES

Source: Federal Aviation Regulations Part 77

Appendix B1

FAR Part 77 Imaginary Surfaces

B-15

Appendix C

Methods for Determining Concentrations of People

Tuolumne County Airport Land Use Compatibility Plan

One criterion used in the *Airport Land Use Compatibility Plan* is the maximum number of people per acre that can be present in a given area at any one time. If a proposed use exceeds the maximum density, it will be considered inconsistent with compatibility planning policies. This appendix provides some guidance on how the people-per-acre determination can be made.

The most difficult part about making a people-per-acre determination is estimating the number of people likely to use a particular facility. There are several methods which can be utilized, depending upon the nature of the proposed use:

- **Parking Ordinance** — The number of people present in a given area can be calculated based upon the number of parking spaces provided. Some assumption regarding the number of people per vehicle needs to be developed to calculate the number of people on-site. The number of people per acre can then be calculated by dividing the number of people on-site by the size of the parcel in acres. This approach is appropriate where the use is expected to be dependent upon access by vehicles.
- **Maximum Occupancy** — The California Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Appendix C1 indicates the required number of square feet per occupant. The number of people on the site can be calculated by dividing the total floor area of a proposed use by the minimum square feet per occupant requirement listed in the table. The maximum occupancy can then be divided by the size of the parcel in acres to determine the people per acre.

Surveys of actual occupancy levels conducted by the City of Sacramento and other agencies have indicated that many retail and office uses are generally occupied at 50% of their maximum occupancy levels, even at the busiest times of day. Therefore, the number of people calculated for office and retail uses should usually be adjusted (50%) to reflect the actual occupancy levels before making the final people-per-acre determination.

- **Survey of Similar Uses** — Certain uses may require an estimate based upon a survey of similar uses. This approach is more difficult, but is appropriate for uses which, because of the nature of the use, cannot be reasonably estimated based upon parking or square footage.

Page C-3 shows a sample calculation.

<u>Minimum Use</u>	<u>Square Feet per Occupant</u>
1. Aircraft Hangars (no repair)	500
2. Auction Rooms	7
3. Assembly Areas, Concentrated Use (without fixed seats)	7
Auditoriums	
Churches and Chapels	
Dance Floors	
Lobby Accessory to Assembly Occupancy	
Lodge Rooms	
Reviewing Stands	
Stadiums	
Waiting Area	3
4. Assembly Areas, Less Concentrated Use	15
Conference Rooms	
Dining Rooms	
Drinking Establishments	
Exhibit Rooms	
Gymnasiums	
Lounges	
Stages	
5. Bowling Alley (assume no occupant load for bowling lanes)	4
6. Children's Homes and Homes for the Aged	80
7. Classrooms	20
8. Congregate Residences	200
9. Courtrooms	40
10. Dormitories	50
11. Dwellings	300
12. Exercising Rooms	50
13. Garage, Parking	200
14. Health Care Facilities	
Sleeping Rooms	120
Treatment Rooms	240
15. Hotels and Apartments	200
16. Kitchen — Commercial	200
17. Library Reading Room	50
18. Locker Rooms	50
19. Malls	Varies
20. Manufacturing Areas	200
21. Mechanical Equipment Room	300
22. Nurseries for Children (Day Care)	35
23. Offices	100
24. School Shops and Vocational Rooms	50
25. Skating Rinks	50 on the skating area; 15 on the deck
26. Storage and Stock Rooms	300
27. Stores — Retail Sales Rooms	
Basements and Ground Floor	30
Upper Floors	60
28. Swimming Pools	50 for the pool area; 15 on the deck
29. Warehouses	500
30. All Others	100

Source: California Building Code (1998), Table 10-A

Occupancy Levels – California Building Code

- A. The proposal is for a 60,000-square-foot, two-story office building on 4 net acres (exclusive of roads). The local parking ordinance requires one parking space for every 250 square feet of commercial space. Assuming that the use would generate one person per vehicle, the following calculations would derive the number of people per acre.

Steps:

- 1) 60,000 sq. ft. , 250 people per vehicle/sq. ft. = 240 (people expected at any one time)
- 2) 240 people , 4 acres = 60 people per acre

Under this example, the use would be estimated to generate 60 people per acre. In zones with limits of 100 people per acre, the use would be considered compatible assuming all other conditions were met.

- B. The proposal is for a 12,000-square-foot store on a 63,000-square-foot parcel. Using the maximum occupancy table from the California Building Code (Appendix C1) and applying the assumption that the building is occupied at 50% of maximum results in the following calculations:

Steps:

- 1) 63,000 sq. ft. , 43,560 sq. ft. (per acre) = 1.45 acres
- 2) 12,000 sq. ft. , 30 sq. ft./occupant = 400 (max. building occupancy)
- 3) 400 max. bldg. occupancy x 50% = 200 (people expected at any one time)
- 4) 200 people , 1.45 acre = 138 people per acre

Under this example, 138 people per acre would represent a reasonable estimate. In zones with limitations of 100 people per acre or less, the use would be considered incompatible.

- C. The proposal is for a 3,000-square-foot office on a 16,500-square-foot parcel. Again using the table in Exhibit A, but assuming the actual occupancy level is 50% of the maximum indicated by the CBC, provides the following result:

Steps:

- 1) 16,500 sq. ft. , 43,560 sq. ft. (acre) = 0.38 acre
- 2) 3,000 sq. ft. , 100 sq. ft./occupant = 30 (max. building occupancy)
- 3) 30 people maximum building occupancy x 50% (actual occupancy) = 15 people in the building at any one time
- 3) 15 people , 0.38 acres = 39 people per acre

Under this example, the use would be estimated to generate 39 people per acre. In zones with occupancy limits of 100, the use would be considered compatible assuming all other conditions were met.

Example People-Per-Acre Calculation

Appendix D

Compatibility Guidelines for Specific Land Uses Tuolumne County Airport Land Use Compatibility Plan

The compatibility evaluations listed below for specific types of land uses can be used by Tuolumne County and any other affected jurisdictions as guidelines in implementation of the general compatibility criteria listed in Table 2A. These evaluations are not regarded as adopted ALUC policies or criteria. In case of any conflicts between these evaluations of specific land uses and the policies and criteria in Chapter 2 of this document, the contents of Chapter 2 shall prevail.

Land Use	Compatibility Zones				
	A	B1	B2	C	D
<i>Agricultural Uses</i>					
Truck and Specialty Crops	0	+	+	+	+
Field Crops	0	+	+	+	+
Pasture and Rangeland	0	+	+	+	+
Vineyards	0	+	+	+	+
Orchards	–	0	+	+	+
Dry Farm and Grain	0	+	+	+	+
Tree Farms, Landscape Nurseries and Greenhouses	–	0	+	+	+
Fish Farms	–	0	0	+	+
Feed Lots and Stockyards	–	0	0	+	+
Poultry Farms	–	0	0	+	+
Dairy Farms	–	0	0	+	+
<i>Natural Uses</i>					
Fish and Game Preserves	0	0	0	0	0
Land Preserves and Open Space	0	+	+	+	+
Flood and Geological Hazard Areas	0	+	+	+	+
Waterways: Rivers, Creeks, Canals, Wetlands, Bays, Lakes	0	0	0	0	+

- Incompatible
- 0 Potentially compatible with restrictions (see Table 2A)
- + Compatible

Compatibility Zones

Land Use	A	B1	B2	C	D
Residential					
Large-Lot Residential (1 du / 10 acres)	-	0	+	+	+
Rural Residential (1 du / 5 acres)	-	-	0	+	+
Homestead Residential (1 du / 3 acres)	-	-	0	+	+
Estate Residential (1 du / 2 acres)	-	-	-	0	+
Low-Density Residential (6 du / acre)	-	-	-	-	+
Medium-Density Residential (12 du / acre)	-	-	-	-	+
High-Density Residential (15 du / acre)	-	-	-	-	+
Mobilehome Parks	-	-	-	-	+
Institutional					
Schools, Colleges and Universities	-	-	-	-	+
Day Care Centers	-	-	-	0	+
Hospitals and Residential Care Facilities	-	-	-	-	+
Recreational					
Golf Courses	0	0	+	+	+
Parks - low intensity; no group activities	0	+	+	+	+
Playgrounds and Picnic Areas	-	0	0	+	+
Athletic Fields	-	0	0	+	+
Riding Stables	-	0	0	+	+
Marinas and Water Recreation	-	0	0	+	+
Health Clubs and Spas	-	-	0	0	+
Tennis Courts	-	0	0	+	+
Swimming Pools	-	0	0	0	+
Fairgrounds and Race Tracks	-	-	-	-	+
Resorts and Group Camps	-	-	0	0	+
Industrial					
Research and Development Laboratories	-	0	0	+	+
Warehouses and Distribution Facilities	-	0	+	+	+
Manufacturing and Assembly	-	0	0	0	+
Cooperage and Bottling Plants	-	0	+	+	+
Printing, Publishing and Allied Services	-	0	+	+	+
Chemical, Rubber and Plastic Products	-	-	-	0	+
Food Processing	-	-	0	0	+

-
- Incompatible
 - 0 Potentially compatible with restrictions (see Table 2A)
 - + Compatible

Compatibility Zones

Land Use	A	B1	B2	C	D
Commercial Uses					
Low-Intensity Retail (e.g., auto, furniture sales)	-	0	+	+	+
Retail Stores (one story)	-	0	0	0	+
Retail Stores (two story)	-	-	0	0	+
Large Shopping Malls (500,000+ sq. ft.)	-	-	-	0	+
Restaurants and Drinking Establishments (no take-out)	-	0	0	0	+
Food Take-Outs	-	-	-	0	+
Auto and Marine Services	-	0	+	+	+
Building Materials, Hardware and Heavy Equipment	-	0	+	+	+
Office Buildings (one story)	-	0	+	+	+
Multiple-Story Retail, Office and Financial	-	-	0	0	+
Banks and Financial Institutions	-	0	0	+	+
Repair Services	-	0	0	+	+
Gas Stations	-	0	0	+	+
Government Services/Public Buildings	-	0	0	+	+
Motels (one story)	-	-	0	0	+
Hotels and Motels (two story)	-	-	-	0	+
Theaters, Auditoriums and Assembly Halls	-	-	-	0	+
Outdoor Theaters	-	-	-	0	+
Memorial Parks/Cemeteries	-	+	+	+	+
Truck Terminals	-	+	+	+	+
Transportation, Communications and Utilities					
Aircraft Storage	0	+	+	+	+
Automobile Parking	0	+	+	+	+
Highway and Street Rights-of-Way	0	+	+	+	+
Railroad and Public Transit Facilities	0	+	+	+	+
Taxi, Bus and Train Terminals	-	0	0	+	+
Reservoirs	-	0	0	0	+
Power Lines	-	0	0	0	+
Water Treatment Facilities	-	0	0	+	+
Sewage Treatment and Disposal Facilities	-	0	0	0	+
Electrical Substations	-	0	0	0	+
Power Plants	-	-	0	0	+
Sanitary Landfills	-	-	-	-	0

-
- Incompatible
 - 0 Potentially compatible with restrictions (see Table 2A)
 - + Compatible

Project Referral Form

Tuolumne County Airport Land Use Compatibility Plan

APPLICATION FOR LAND USE PROJECT REVIEW TUOLUMNE COUNTY AIRPORT LAND USE COMMISSION		ALUC Identification No
PROJECT PROPONENT (TO BE COMPLETED BY APPLICANT)		
Date of Application	_____	
Property Owner	_____	Phone Number _____
Mailing Address	_____ _____ _____	
Agent (if any)	_____	Phone Number _____
Mailing Address	_____ _____ _____	
PROJECT LOCATION (TO BE COMPLETED BY APPLICANT)		
<i>Attach an accurately scaled map showing the relationship of the project site to the airport boundary and runways</i>		
Street Address	_____ _____	
Assessor's Parcel No.	_____	Parcel Size _____
Subdivision Name	_____	Zoning _____
Lot Number	_____	Classification _____
PROJECT DESCRIPTION (TO BE COMPLETED BY APPLICANT)		
<i>If applicable, attach a detailed site plan showing ground elevations, the location of structures, open spaces, and water bodies, and the heights of structures and trees; include additional project description data as needed</i>		
Existing Land Use (describe)	_____ _____ _____	
Proposed Land Use (describe)	_____ _____ _____	
For Residential Uses	Number of Parcels or Units on Site (incl. secondary units) _____	
For Other Land Uses	Hours of Use _____	
	Number of People on Site...	Maximum Number Method of Calculation _____
Height Data	Height above Ground of Tallest Object (including antennas & trees)	_____ ft.
	Highest Elevation (above sea level) of Any Object or Terrain on Site	_____ ft.
Flight Hazards	Does the project involve any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, describe _____	

REFERRING AGENCY (TO BE COMPLETED BY AGENCY STAFF)	
Date Received _____	Type of Project
Agency Name _____	<input type="checkbox"/> General Plan Amendment
Staff Contact _____	<input type="checkbox"/> Zoning Amendment or Variance
Phone Number _____	<input type="checkbox"/> Subdivision Approval
Agency's Project No. _____	<input type="checkbox"/> Use Permit
	<input type="checkbox"/> Building Permit
	<input type="checkbox"/> Other _____
ALUC SECRETARY'S REVIEW (TO BE COMPLETED BY ALUC SECRETARY)	
Application Receipt	Date Received _____ By _____
	Is Application Complete? <input type="checkbox"/> Yes <input type="checkbox"/> No
	If no, cite reasons _____
Airport	<input type="checkbox"/> Columbia
	<input type="checkbox"/> Pine Mountain Lake
	<input type="checkbox"/> Other Location (describe) _____
Primary Criteria Review	Existing Airspace Utilization Easement? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Compatibility Zone(s) _____
Special Conditions	Critical Height Zone? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Height Caution Zone? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Infill Parcel? <input type="checkbox"/> Yes <input type="checkbox"/> No
Supplemental Criteria Review	Noise _____
	Safety _____
	Airspace Protection _____
	Overflight _____
ACTIONS TAKEN (TO BE COMPLETED BY ALUC SECRETARY)	
ALUC Secretary's Action	<input type="checkbox"/> Approve Date _____
	<input type="checkbox"/> Refer to ALUC
ALUC Action	<input type="checkbox"/> Consistent Date _____
	<input type="checkbox"/> Consistent with Conditions (list conditions)

	<input type="checkbox"/> Inconsistent (list reasons)

November 1998

Appendix F

Sample Implementation Documents
Tuolumne County Airport Land Use Compatibility Plan

To assure implementation of the compatibility criteria set forth in the *Tuolumne County Airport Land Use Compatibility Plan*, the plan requires preparation of certain notices as conditions for approval of development near airports in the county. The plan also requires the County to record a deed notice for each parcel within the airport influence area boundary upon adoption of the plan.

Deed Notice - This use of a deed notice, together with combining district zoning, replaces the current airport land use commission and Tuolumne County policy of requiring *Airport Aviation and Airspace Utilization Easements*. Conceptually, the deed notice functions primarily as a buyer awareness measure, serving to alert prospective future purchasers of a property that the airport is nearby. The language for the deed notice is included on page F-2.

Recorded at request of
And return to:

NOTICE OF AIRPORT PROXIMITY
Columbia Airport

Owner of record:

John and Jane Doe
123456 Tuolumne County Road
Columbia, California 95310

This property is, at the time of recording this notice, within the Airport Influence Area Boundary of Columbia Airport, which is a public airport owned and operated by the County of Tuolumne. This airport, licensed under state law, is important to the public interest of the people of this County and the State of California. This property is within _____ miles of the airport. **This notice is recorded against all property within this boundary, and is intended merely as a disclosure of certain airport proximity conditions that may or may not exist on this particular property at present or in the future.**

Aircraft flying to or from the airport **may** fly over this property on an infrequent or regular basis. Depending on weather conditions, height of aircraft, and ground topography, persons using this property **may** experience inconvenience, annoyance or discomfort from noise arising from these overflights, which overflights are expected to increase in the future. In addition, although rare, because of the varying nature of flight approaches and departures from the airport, aircraft accidents **may** occur on this property. Property owners and residents near this public use airport should be prepared to accept the described consequences from normal aircraft operations.

In addition to overflights, this property **may** also be subject to other annoyances or inconveniences associated with proximity to airport operations, such as noise, vibration, or odors. Individual sensitivities to such annoyances can vary from person to person. Airport annoyances, if any associated with this property should be considered by persons considering acquisition of this property to determine if they are acceptable.

This property is also subject to certain land use measures that **may** affect future development and the permissible height of structures and vegetation on this property. Any questions about whether and how these measures affect this particular property should be directed to the Planning Division of the Community Development Department of the County of Tuolumne.

COUNTY OF TUOLUMNE

By (Name and title)

Appendix G

Comparison Between New and Old ALUC Plans Tuolumne County Airport Land Use Compatibility Plan

Overview

This new *Tuolumne County Airport Land Use Compatibility Plan* differs in numerous ways from the old *Airport Land Use Policy Plan* (originally adopted in 1977). One difference is in the format of the plan. The policies are given greater emphasis and clarity by numbering them and by eliminating background and other nonpolicy material from the policies chapters.

Substantively, the changes involve both (1) the procedures followed by the Tuolumne County Airport Land Use Commission in carrying out its responsibilities, and (2) the land use compatibility criteria applicable to land uses near airports in the County. The major differences are highlighted in the following discussion.

Procedural Policies

Most significant among the procedural policy changes incorporated into the new plan is that ALUC review of every land use action affecting property within the Columbia Airport and Pine Mountain Lake Airport influence areas is no longer required. The new plan recognizes that issuance of ministerial permits on existing parcels is outside the jurisdiction of the Airport Land Use Commission unless authority to review such applications is conveyed to the Airport Land Use Commission by Tuolumne County, the new policies give the ALUC Secretary the authority to take final action on the Commission's behalf with regard to certain minor types of projects. ALUC review of these minor matters will be necessary only if a compatibility issue is apparent. This change will normally speed up the overall review and approval process for these types of actions.

The remaining procedural policy changes fall mostly under the headings of additions and clarifications. Some of the changes reflect amendments which have occurred to state law over the past 20 years. Most, though, simply serve to better define the processes which the ALUC has been following historically.

COMPATIBILITY POLICIES

Composite Format

A fundamental change with the new compatibility policies is the use of a set of composite compatibility criteria as the primary basis for review of land use actions. The previous plan contained separate criteria and compatibility zones for noise, safety, and airspace protection. The new plan

incorporates these three factors, together with overflight compatibility criteria, into a single countywide set of criteria and one group of zones for each airport. This change is another effort to simplify the review process. In most cases, completion of compatibility reviews should be possible with reference only to the primary compatibility criteria. Detailed policies which individually address each of the four types of compatibility factors are still included in the plan, but will normally be needed only for review of proposed land uses which are not clearly either compatible or incompatible with airport activities.

Specific Criteria

Despite the difference in format, the new and old sets of criteria correspond fairly closely when considered in terms of the increments of restrictiveness. Appendix G1 compares the new compatibility criteria with those of the old plan.

Type and Intensity of Use

One major difference between the two plans is that the old *Extended Runway Centerline Zone* limited residential uses to 1 dwelling unit per 5 acres, whereas the new *Zone B2* reduces this density to 1 dwelling unit per 10 acres. Within the new *Zone C*, the equivalent of the old *Traffic Pattern/Secondary Safety Zone*, an explicit prohibition on children's schools and hospitals is added.

Unlike these increases in restrictiveness, the criteria for *Zone D* are relaxed in comparison to the old *Secondary Safety Zone* standards. The prior limitations of 1 dwelling unit per 3 acres and 50 people per acre in nonresidential uses have both been eliminated.

Compatibility Zone Boundaries

In comparing the two sets of criteria, it is also essential to compare the geographic extent of the respective compatibility zones. In this respect, the equivalent new zones are generally larger except in areas adjacent to the runways. The overall airport influence/referral area for both airports has also been expanded. (Note that this expansion is primarily for the purpose of establishing buyer awareness measures, although new land use restrictions are added in a few locations.) Appendices G2 (Columbia Airport) and G3 (Pine Mountain Lake Airport) show the differences between the new and previous zone boundaries.

New Zone	Incompatible Uses	Equivalent Old Zone	Incompatible Uses
A	<ul style="list-style-type: none"> ØAll residential ØAll structures ØUses with >10 ppa 	Clear Zone	<ul style="list-style-type: none"> ØAll residential ØStructures above primary surface ØUses with >25 ppa
B1	<ul style="list-style-type: none"> ØResidential >1 du / 10 ac. ØUses with >25 ppa ØSchools, hospitals ØHazards to flight ØHighly noise-sensitive uses 	Extended Runway Centerline Zone	<ul style="list-style-type: none"> ØResidential >1 du / 5 ac.
B2	<ul style="list-style-type: none"> ØResidential >1 du / 3 ac. ØUses with >50 ppa ØSchools, hospitals ØHazards to flight ØHighly noise-sensitive uses 	Primary Safety (FAR 77 approach & transitional zones)	<ul style="list-style-type: none"> ØMulti-family residential¹ ØSingle-family residential >1 du / 3 ac.¹ ØUses >50 ppa ØShopping centers, schools, hospitals ØUses which attract birds
C	<ul style="list-style-type: none"> ØResidential >1 du / 3 ac. ØUses with >75 ppa ØSchools, hospitals ØHazards to flight 	Traffic Pattern & Secondary Safety	<ul style="list-style-type: none"> ØVisual & electronic hazards to flight ØSecondary Safety Zone criteria below
D	<ul style="list-style-type: none"> ØHazards to flight 	Secondary Safety (remainder of referral areas, except Columbia townsite)	<ul style="list-style-type: none"> ØMulti-family residential¹ ØSgl-family residential >1 du / 3 ac.¹ ØUses with >50 ppa
Critical Height Zone	<ul style="list-style-type: none"> ØTall objects on high terrain 	Height Restriction Zone (all FAR 77 zones)	<ul style="list-style-type: none"> ØStructures >FAR 77 limits
Height Review Zone	<ul style="list-style-type: none"> ØNo restrictions unless objects exceed 50 feet height 		

Appendix G1

¹ If zoning change or land division required

Note: The geographic extent of current and proposed new zones also differ. See Appendices G2 and G3 for a comparison.

Comparison of Compatibility Zone Criteria
Height Restrictions

The ALUC policies regarding the acceptable heights of objects near the airports have been slightly modified in the new plan. The old plan set height limits in accordance with FAR Part 77 standards, but allowed exceptions on a case-by-case basis. When considering exceptions, the ALUC has focused upon whether the object is effectively shadowed by nearby, already existing, objects of equal or greater height.

Policies in the new plan are more formalized, both in terms of the height criteria and the review process. For the purposes of height considerations, each airport influence area is divided into three segments:

Critical Height Zone

- Encompasses locations which lie above the surfaces defined by FAR Part 77 and are situated either on points of high terrain (ridge lines or hill tops) or within 50 feet below such points.
- All locations within *Compatibility Zones A and B1* also are included.
- Height restrictions — potentially to ground level — are required on all objects not shadowed by nearby objects of equal or greater elevation.
- Proposed discretionary land development projects within the *Critical Height Zone* are subject to ALUC review.

Height Caution Zone

- Encompasses locations where the ground lies above a FAR Part 77 surface or within 50 feet beneath such surface, but excluding locations within the *Critical Height Zone*.
- All locations within *Compatibility Zone B2* also are included.
- Objects up to 50 feet tall are acceptable and do not require ALUC review for the purposes of height factors.
- ALUC review is required for proposed objects taller than 50 feet.

Remainder of Airport Influence Area

- Generally, there is no concern with regard to any object up to 75 feet tall unless it is located on high ground. A solitary object (e.g., an antenna) on high ground is a particular concern.
- The ALUC secretary reviews any development proposals requiring a variance from County zoning height standards.

Additionally, the new plan requires that any proposal for a structure more than 200 feet tall be submitted to the ALUC for review regardless of where in the County the structure would be located. Such objects also require Federal Aviation Administration review as set forth in FAR Part 77.

Easement Dedication Requirements

The old plan required property owners seeking approval of any project affecting land within an airport referral area — including issuance of a building permit — to dedicate an *Airport Aviation and Airspace Utilization Easement* to the county. This easement is a form of overflight easement in that it acknowledges that aircraft may overfly the property and create noise. The Airport Aviation and Airspace Utilization Easement will no longer be required as a condition of development.

Since 1977, Tuolumne County has recorded numerous Airport Aviation and Airspace Utilization easements required as conditions of land development. These easements were deeded to the County. Therefore, the Board of Supervisors retains jurisdictional authority as to their disposition. The Airport Land Use Commission has no authority over disposition of the existing easements. Airport Aviation and Airspace Utilization Easements will no longer be required under the new plan. The Board of Supervisors may decide to retain the existing Airport Aviation and Airspace Utilization Easements which have been deeded to the County or to abandon these easements. If the Board chooses to abandon the easements, they could either abandon all such easements in one action or allow individual property owners to apply for abandonment.

Deed Notice

The new plan requires that Tuolumne County record a deed notice on all property located within the influence area boundary of each County airport upon adoption of the new plan. Furthermore, a note shall be placed on each land division map recorded for property within an airport influence area referencing the proximity of the respective airport.

Combining Zoning District

The new plan also requires that Tuolumne County adopt an Airport combining zoning district which would be attached to the primary zoning district of all parcels within the airport influence area of either County airport. While the Airport Combining Zoning would not necessarily act as a buyer awareness measure, it would serve to advise anyone who inquired about a parcel's zoning about the airport proximity and the need to comply with the new plan.

Appendix H

Local Plans Consistency Review

Tuolumne County Airport Land Use Compatibility Plan

Consistency Requirements

As indicated in Chapter 1, state law requires each local agency having jurisdiction over land uses within an ALUC's planning area to modify its general plan and any affected specific plans to be consistent with the compatibility plan. The local agency must take this action within 180 days of when the ALUC adopts or amends its plan. Alternatively, a local agency can overrule the ALUC by a two-thirds vote after first holding a public hearing and making findings that the agency's plans are consistent with the intent of state law.

All of the land within the airport influence areas for the Columbia and Pine Mountain Lake airports as established by this *Tuolumne County Airport Land Use Compatibility Plan* is unincorporated land within the jurisdiction of Tuolumne County. Thus, at present, only the *Tuolumne County General Plan* and associated community plans are affected by the consistency requirements of the state statutes. However, the Sonora city limits is contiguous to a portion of the Columbia airport influence area and the city's sphere of influence extends into the airport influence area. The general plan consistency requirements thus could apply to the city of Sonora in the future. Also, any new city that might incorporate near one of the airports would also be subject to the state law provisions.

The review which follows is intended to facilitate the process of making the *Tuolumne County General Plan* consistent with the *Airport Land Use Compatibility Plan*.

Tuolumne County General Plan

Land Uses

Allowable development densities established in the 1996 *Tuolumne County General Plan* are consistent with the criteria set forth in the 1977 *Airport Land Use Policy Plan*, as amended. The changes to the ALUC plan summarized in Appendix G consequently have implications for the *General Plan*. In some locations aviation-related land use restrictions would be increased and, in other areas, the restrictions would be relaxed. The maps presented as Appendices G2 and G3 indicate the differences in densities allowed under the new (1998) and old (1977, as amended) ALUC plans. The differences between the new ALUC plan and the *General Plan* are essentially the same in terms of the allowable types and densities of land uses.

To the extent that the new *Compatibility Plan* is more restrictive than the *General Plan*, it is residential densities that primarily are affected. Any locations where the maps show that the new ALUC plan has a lower density limit than the old ALUC plan, a corresponding change in the *General Plan* is required. For nonresidential uses, some areas not within the boundaries of the old ALUC plan would be subject to usage intensity (people per acre) limits.

It is not necessary for the *General Plan* to be modified to allow increased densities in areas where the new ALUC plan now allows. Other factors — such as accessibility, utilities availability, site slopes, and so on — may realistically preclude the increased density.

Some of the implications of the reduced density standards can be seen by focusing on development potential within the two airport influence areas. This assessment is shown in Chapter 4 (Exhibit 4H) and Chapter 5 (Exhibit 5H) for the Columbia and Pine Mountain Lake airports, respectively. The maps highlight undeveloped or partially developed parcels which, according to their current *General Plan* land use designation, could theoretically be split into two or more smaller lots. Note that the potential parcel divisions shown on the two maps were determined mathematically by comparing the existing parcel size with the minimum parcel size allowed under the *General Plan*. Other factors which might preclude some of the lot splits are not taken into account.

Also shown on the maps are commercial lots (indicated by a “_” symbol) which could be further developed, regardless of the lot split potential. The parcels marked with a “«” symbol are ones where the new *Compatibility Plan* criteria preclude the current subdivision potential. Parcels indicated with an “_” can still be subdivided, but the number of potential lots is less than under the old ALUC Plan or current *General Plan*.

Noise Standards

Another section of the *General Plan* which contains policies differing from those of the new *Compatibility Plan* is the noise element. Figure 5.3 in the *General Plan* establishes maximum allowable noise exposure for land uses affected by aircraft noise sources. For outdoor activity areas, the allowable noise levels — measured in terms of Community Noise Equivalent Level (CNEL) — are consistent with criteria in both the old and new ALUC plans. It is with regard to interior spaces that the differences are apparent.

For interior spaces, three sets of standards are listed: one measured with respect to CNEL, another using maximum (L_{max}) noise levels during the daytime, and a third using nighttime maximum noise levels. The maximum noise level criteria apparently were introduced in an effort to provide consistency with ill-defined “maximum intermittent” noise level criteria in the 1977 ALUC plan. Despite explanatory footnotes in the noise element table, a disparity exists between the CNEL and L_{max} criteria. For any given location near the Columbia or Pine Mountain Lake airports, the maximum noise levels generated by aircraft overflights are typically 10 dB or more higher than the CNEL values. Because of the specific levels at which the respective standards are set in the noise element table, the L_{max} criteria are significantly more stringent than the CNEL criteria.

To avoid this problem, the new ALUC plan defines interior noise level standards solely in terms of CNEL. In practice, the ALUC has rarely, if ever, applied the “maximum intermittent” noise level criteria to reviews of development proposals. A decision by Tuolumne County to keep the current L_{max} standards would not result in the *General Plan* being inconsistent with the *Airport Land Use Compatibility Plan*. However, for simplicity, the county may wish to make this change.

Glossary of Terms Tuolumne County Airport Land Use Compatibility Plan

Air Carriers: The commercial system of air transportation, consisting of the certificated air carriers, air taxis (including commuters), supplemental air carriers, commercial operators of large aircraft, and air travel clubs.

Air Installation Compatible Use Zone (AICUZ): A land use compatibility plan prepared by the U.S. Department of Defense for military airfields. AICUZ plans serve as recommendations to local government bodies having jurisdiction over land uses surrounding these facilities.

Aircraft Accident: An occurrence incident to flight in which, as a result of the operation of an aircraft, a person (occupant or nonoccupant) receives fatal or serious injury or an aircraft receives substantial damage.

- Except as provided below, *substantial damage* means damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component.
- Engine failure, damage limited to an engine, bent fairings or cowling, dented skin, small puncture holes in the skin or fabric, ground damage to rotor or propeller blades, damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered substantial damage.

Aircraft Incident: A mishap associated with the operation of an aircraft in which neither fatal or serious injuries nor substantial damage to the aircraft occur.

Aircraft Mishap: The collective term for an aircraft accident or an incident.

Aircraft Operation: The airborne movement of aircraft at an airport or about an en route fix or at other point where counts can be made. There are two types of operations: local and itinerant. An operation is counted for each landing and each departure, such that a touch-and-go flight is counted as two operations. (FAA Stats)

Airport: An area of land or water that is used or intended to be used for the landing and taking off of aircraft, and includes its buildings and facilities, if any. (FAR 1)

Airport Elevation: The highest point of an airport's usable runways, measured in feet above mean sea level. (AIM)

Airport Land Use Commission (ALUC): A commission authorized under the provisions of California Public Utilities Code, Sections 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them.

Airport Layout Plan (ALP): A scale drawing of existing and proposed airport facilities, their location on an airport, and the pertinent clearance and dimensional information required to demonstrate conformance with applicable standards.

Airport Master Plan (AMP): A long-range plan for development of an airport, including descriptions of the data and analyses on which the plan is based.

Airport Reference Code (ARC): A coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at an airport. (Airport Design AC)

Airports, Classes of: For the purposes of issuing a Site Approval Permit, the California Department of Transportation Aeronautics Program classifies airports into the following categories. (CAC)

- *Agricultural Airport or Heliport:* An airport restricted to use only by agricultural aerial applicator aircraft (FAR Part 137 Operators).
- *Emergency Medical Services (EMS) Landing Site:* A site at or as near as practical to a medical emergency; a transfer point; or a site at or near a medical facility preselected and approved by an officer authorized by a public safety agency, using criteria deemed reasonable and prudent by that public safety agency, used for the landing and taking off of EMS helicopters, but not designed or used exclusively for helicopter flight operations.
- *Heliport on Offshore Oil Platform:* A heliport located on a structure in the ocean, not connected to the shore by pier, bridge, wharf, dock, or breakwater, used in the support of petroleum exploration or production.
- *Personal-Use Airport:* An airport limited to the non-commercial use of an individual owner or family and an occasional invited guest.
- *Public-Use Airport:* A publicly or privately owned airport that offers the use of its facilities to the public without prior notice or special invitation or clearance and that has been issued a California Airport Permit by the Aeronautics Program of the California Department of Transportation.
- *Seaplane Landing Site:* An area of water used, or intended for use, for landing and taking off of seaplanes.
- *Special-Use Airport or Heliport:* An airport not open to the general public, access to which is controlled by the owner in support of commercial activities, public services, and/or personal use.
- *Temporary Helicopter Landing Site:* A site for purposes other than emergency medical service operations which is used, but not exclusively, for landing and taking off of helicopters. These sites are generally limited to one year, except for recurrent annual events and public safety agency operations. No site may be used as a temporary helicopter landing site except in an emergency, or unless it is in accordance with 14 CFR (FARs), Public Utilities Code 21000, et seq. and local ordinances.

Ambient Noise Level: The level of noise that is all-encompassing within a given environment for which a single source cannot be determined. It is usually a composite of sounds from many and varied sources near to and far from the receiver.

Approach Protection Easement: A form of easement which both conveys all of the rights of an aviation easement and sets specified limitations on the type of land uses allowed to be developed on the property.

Approach Speed: The recommended speed contained in aircraft manuals used by pilots when making an approach to landing. This speed will vary for different segments of an approach as well as for aircraft weight and configuration. (AIM)

Based Aircraft: Aircraft stationed at an airport on a long-term basis.

California Environmental Quality Act (CEQA): Statutes adopted by the state legislature for the purpose of maintaining a quality environment for the people of the state now and in the future. The Act establishes a process for state and local agency review of projects, as defined in the implementing guidelines, which may adversely affect the environment.

Ceiling: Height above the earth's surface to the lowest layer of clouds or obscuring phenomena. (AIM)

Circling Approach/Circle-to-Land Maneuver: A maneuver initiated by the pilot to align the aircraft with a runway for landing when a straight-in landing from an instrument approach is not possible or not desirable. (AIM)

Combining District: A zoning district which establishes development standards in areas of special concern over and above the standards applicable to basic underlying zoning districts. The new zoning indicates the property is within an ALUC Airport Influence Area Boundary. By itself, the adoption by the County of this new Zoning District would not provide a notification. If and when prospective purchasers obtain zoning information about a specific property, however, it would put them on notice to investigate further the consequences of having that zoning classification.

Commercial Activities: Airport-related activities which may offer a facility, service or commodity for sale, hire or profit. Examples of commodities for sale are: food, lodging, entertainment, real estate, petroleum products, parts and equipment. Examples of services are: flight training, charter flights, maintenance, aircraft storage, and tiedown. (CAC)

Commercial Operator: A person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier. (FAR 1)

Community Noise Equivalent Level (CNEL): The noise metric adopted by the State of California for evaluating airport noise. It represents the average daytime noise level during a 24-hour day, adjusted to an equivalent level to account for the lower tolerance of people to noise during evening and nighttime periods relative to the daytime period. (State Airport Noise Standards)

Compatibility Plan: As used herein, a plan, usually adopted by an Airport Land Use Commission, which sets forth policies for promoting compatibility between airports and the land uses which surround them. Often referred to as a *Comprehensive Land Use Plan (CLUP)*.

Controlled Airspace: Any of several types of airspace within which some or all aircraft may be subject to air traffic control. (FAR 1)

Day-Night Average Sound Level (DNL): The noise metric adopted by the U.S. Environmental Protection Agency for measurement of environmental noise. It represents the average daytime noise level during a 24-hour day, measured in decibels and adjusted to account for the lower tolerance of people to noise during nighttime periods. The mathematical symbol is L_{dn} .

Decibel (dB): A unit measuring the magnitude of a sound, equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard sound, specifically a sound just barely audible to an unimpaired human ear. For environmental noise from aircraft and other transportation sources, an *A-weighted sound level* (sometimes abbreviated dBA) is normally used. The A-weighting scale adjusts the values of different sound frequencies to approximate the auditory sensitivity of the human ear.

Deed Notice: A formal statement added to the legal description of a deed to a property and on any land division map. As proposed in this Plan, it is a notice that property is within an Airport Influence Area Boundary. The notice is recorded and intended as a disclosure of certain airport proximity conditions that may or may not exist on any specific property, at present or in the future. The notice also informs property owners that their property is subject to certain land use measures that may affect future development and the permissible height of vegetation on this property. Use of the notice in the *Tuolumne County Airport Land Use Compatibility Plan*, together with the combining district zoning, replaces the use of the Airport Aviation and Airspace Utilization Easement.

Density of Use: As used in airport land use planning, the term refers to the number of dwelling units per gross acre for residential land uses or the number of people per acre with regard to other land uses.

Designated Body: A local government entity, such as a regional planning agency or a county planning commission, chosen by the county board of supervisors and the selection committee of city mayors to act in the capacity of an airport land use commission.

Displaced Threshold: A landing threshold that is located at a point on the runway other than the designated beginning of the runway (see *Threshold*). (AIM)

Easement: A less-than-fee-title transfer of real property rights from the property owner to the holder of the easement.

Equivalent Sound Level (L_{eq}): The level of constant sound which, in the given situation and time period, has the same average sound energy as does a time-varying sound.

FAR Part 77: The part of the Federal Aviation Regulations which deals with objects affecting navigable airspace.

FAR Part 77 Surfaces: Imaginary airspace surfaces established with relation to each runway of an airport. There are five types of surfaces: (1) primary; (2) approach; (3) transitional; (4) horizontal; and (5) conical.

Federal Aviation Administration (FAA): The U.S. government agency which is responsible for ensuring the safe and efficient use of the nation's airports and airspace.

Federal Aviation Regulations (FAR): Regulations formally issued by the FAA to regulate air commerce.

Findings: Legally relevant subconclusions which expose a government agency's mode of analysis of facts, regulations, and policies, and which bridge the analytical gap between raw data and ultimate decision.

Fixed Base Operator (FBO): A business which operates at an airport and provides aircraft services to the general public including, but not limited to, sale of fuel and oil; aircraft sales, rental, maintenance, and repair; parking and tiedown or storage of aircraft; flight training; air taxi/charter operations; and specialty services, such as instrument and avionics maintenance, painting, overhaul, aerial application, aerial photography, aerial hoists, or pipeline patrol.

General Aviation: That portion of civil aviation which encompasses all facets of aviation except air carriers. (FAA Stats)

Glide Slope: An electronic signal radiated by a component of an ILS to provide vertical guidance for aircraft during approach and landing.

Global Positioning System (GPS): A relatively new navigational system which utilizes a network of satellites to determine a positional fix almost anywhere on or above the earth. Developed and operated by the U.S. Department of Defense, GPS has been made available to the civilian sector for surface, marine, and aerial navigational use. For aviation purposes, the current form of GPS guidance provides en route aerial navigation and selected types of nonprecision instrument approaches. Eventual application of GPS as the principal system of navigational guidance throughout the world is anticipated.

Helipad: A small, designated area, usually with a prepared surface, on a heliport, airport, landing/takeoff area, apron/ramp, or movement area used for takeoff, landing, or parking of helicopters. (AIM)

Heliport: A site used for the landing and taking off of helicopters which consists of a takeoff and landing area, helipad/helideck, approach-departure paths, heliport imaginary surfaces, a functioning wind cone, and sufficient lighting.

Infill: Development which takes place on vacant property largely surrounded by existing development, especially development which is similar in character.

Instrument Approach Procedure: A series of predetermined maneuvers for the orderly transfer of an aircraft under instrument flight conditions from the beginning of the initial approach to a landing or to a point from which a landing may be made visually. It is prescribed and approved for a specific airport by competent authority (refer to *Nonprecision Approach Procedure* and *Precision Approach Procedure*). (AIM)

Instrument Flight Rules (IFR): Rules governing the procedures for conducting instrument flight. Generally, IFR applies when meteorological conditions with a ceiling below 1,000 feet and visibility less than 3 miles prevail. (AIM)

Instrument Landing System (ILS): A precision instrument approach system which normally consists of the following electronic components and visual aids: (1) Localizer; (2) Glide Slope; (3) Outer Marker; (4) Middle Marker; (5) Approach Lights. (AIM)

Instrument Operation: An aircraft operation in accordance with an IFR flight plan or an operation where IFR separation between aircraft is provided by a terminal control facility. (FAA ATA)

Instrument Runway: A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums has been approved. (AIM)

Inverse Condemnation: An action brought by a property owner seeking just compensation for land taken for a public use against a government or private entity having the power of eminent domain. It is a remedy peculiar to the property owner and is exercisable by that party where it appears that the taker of the property does not intend to bring eminent domain proceedings.

Large Airplane: An airplane of more than 12,500 pounds maximum certificated takeoff weight. (Airport Design AC)

Localizer (LOC): The component of an ILS which provides course guidance to the runway. (AIM)

Minimum Descent Altitude (MDA): The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided. (FAR 1)

Missed Approach: A maneuver conducted by a pilot when an instrument approach cannot be completed to a landing. (AIM)

National Transportation Safety Board (NTSB): The U.S. government agency responsible for investigating transportation accidents and incidents.

Navigational Aid (Navaid): Any visual or electronic device airborne or on the surface which provides point-to-point guidance information or position data to aircraft in flight. (AIM)

Noise Contours: Continuous lines of equal noise level usually drawn around a noise source, such as an airport or highway. The lines are generally drawn in 5-decibel increments so that they resemble elevation contours in topographic maps.

Noise Level Reduction: A measure used to describe the reduction in sound level from environmental noise sources occurring between the outside and the inside of a structure.

Nonconforming Use: An existing land use which does not conform to subsequently adopted or amended zoning or other land use development standards.

Nonprecision Approach Procedure: A standard instrument approach procedure in which no electronic glide slope is provided. (FAR 1)

Nonprecision Instrument Runway: A runway with an approved or planned straight-in instrument approach procedure which has no existing or planned precision instrument approach procedure. (Airport Design AC)
Obstruction: Any object of natural growth, terrain, or permanent or temporary construction or alteration, including equipment or materials used therein, the height of which exceeds the standards established in Subpart C of Federal Aviation Regulations Part 77, *Objects Affecting Navigable Airspace*.

Overflight: Any distinctly visible and audible passage of an aircraft in flight, not necessarily directly overhead.

Overflight Easement: An easement which describes the right to overfly the property above a specified surface and includes the right to subject the property to noise, vibrations, fumes, and emissions. An overflight easement is used primarily as a form of buyer notification.

Overflight Zone: The area(s) where aircraft maneuver to enter or leave the traffic pattern, typically defined by the FAR Part 77 horizontal surface.

Overlay Zone: See *Combining District*.

Planning Area Boundary: An area surrounding an airport designated by an ALUC for the purpose of airport land use compatibility planning conducted in accordance with provisions of the State Aeronautics Act.

Precision Approach Procedure: A standard instrument approach procedure where an electronic glide slope is provided. (FAR 1)

Precision Instrument Runway: A runway with an existing or planned precision instrument approach procedure. (Airport Design AC)

Referral Area: The area around an airport defined by the planning area boundary adopted by an airport land use commission within which certain land use proposals are to be referred to the commission for review.

Runway Protection Zone (RPZ): An area (formerly called a *clear zone*) off the end of a runway used to enhance the protection of people and property on the ground. (Airport Design AC)

Safety Zone: For the purpose of airport land use planning, an area near an airport in which land use restrictions are established to protect the safety of the public from potential aircraft accidents.

Single-Event Noise: As used in herein, the noise from an individual aircraft operation or overflight.

Single Event Noise Exposure Level (SENEL): A measure, in decibels, of the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of the event exceeds a threshold noise level and normalized to a reference duration of one second. SENEL is a noise metric established for use in California by the state Airport Noise Standards and is essentially identical to *Sound Exposure Level (SEL)*.

Site Approval Permit: A written approval issued by the California Department of Transportation Aeronautics Program authorizing construction of an airport in accordance with approved plans, specifications, and conditions. Both public-use and special-use airports require a site approval permit. (CAC)

Small Airplane: An airplane of 12,500 pounds or less maximum certificated takeoff weight. (Airport Design AC)

Sound Exposure Level (SEL): A time-integrated metric (i.e., continuously summed over a time period) which quantifies the total energy in the A-weighted sound level measured during a transient noise event. The time period for this measurement is generally taken to be that between the moments when the A-weighted sound level is 10 dB below the maximum.

Straight-In Instrument Approach: An instrument approach wherein a final approach is begun without first having executed a procedure turn; it is not necessarily completed with a straight-in landing or made to straight-in landing weather minimums. (AIM)

Taking: Government appropriation of private land for which compensation must be paid as required by the First Amendment of the U.S. Constitution. It is not essential that there be physical seizure or appropriation for a *taking* to occur, only that the government action directly interferes with or substantially disturbs the owner's right to use and enjoyment of the property.

Terminal Instrument Procedures (TERPS): Procedures for instrument approach and departure of aircraft to and from civil and military airports. There are four types of terminal instrument procedures: precision approach, nonprecision approach, circling, and departure.

Threshold: The beginning of that portion of the runway usable for landing (also see *Displaced Threshold*). (AIM)

Touch-and-Go: An operation by an aircraft that lands and departs on a runway without stopping or exiting the runway. (AIM)

Traffic Pattern: The traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport. The components of a typical traffic pattern are upwind leg, crosswind leg, downwind leg, base leg, and final approach. (AIM)

Visual Approach: An approach where the pilot must use visual reference to the runway for landing under VFR conditions.

Visual Flight Rules (VFR): Rules that govern the procedures for conducting flight under visual conditions. VFR applies when meteorological conditions are equal to or greater than the specified minimum—generally, a 1,000-foot ceiling and 3-mile visibility.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA-approved airport layout plan. (Airport Design AC)

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established, as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within districts. A zoning ordinance consists of two parts: the text and a map.

Glossary Sources

FAR 1: *Federal Aviation Regulations Part 1, Definitions and Abbreviations.*

AIM: *Airmen's Information Manual (1993).*

Airport Design AC: Federal Aviation Administration, *Airport Design Advisory Circular 150/5300-13.* (1993)

CAC: California Administrative Code, Title 21, *Aeronautics Program.*

FAA ATA: Federal Aviation Administration, *Air Traffic Activity.*

FAA Stats: Federal Aviation Administration, *Statistical Handbook of Aviation.*

NTSB: National Transportation and Safety Board.