

Chapter 18.24

AIRPORT INFLUENCE AREAS

Sections:

18.24.010	Citation.
18.24.020	Purpose.
18.24.030	Establishment.
18.24.040	Applicability.
18.24.045	Required submittals.
18.24.050	Review by airport land use commission.
18.24.055	Review by airport land use commission secretary.
18.24.060	Action on application-Standards.
18.24.070	Interpretation of applicability.
18.24.075	Conflicting regulations.
18.24.080	Appeals.
18.24.090	Deed notice.
18.24.100	Abandonment of easement.

18.24.010 Citation. The ordinance codified in this chapter shall be known and may be cited as the "Tuolumne County airport influence area ordinance."

18.24.020 Purpose.

- A. In enacting the ordinance codified in this chapter, the board of supervisors recognizes that the protection and continued operation of safe public airport facilities is of extreme public benefit and importance.
- B. The airport influence areas are intended to overlay the zoning districts established pursuant to Title 17 where the design of buildings and structures and the use of land could conflict with the safe and beneficial operation of a public airport, and where it is desired to protect the safety and general welfare of the public by regulating the design of such buildings or structures or the use of such lands. All lands within the airport influence areas are zoned :AIR (airport combining), pursuant to chapter 17.49 of this code, to inform property owners of the requirements imposed by this chapter.
- C. The airport influence areas are intended to facilitate coordinated review of development and land use applications within the joint jurisdictions of the County and the Tuolumne County airport land use commission.

18.24.030 Establishment. The airport influence areas are designated and established over all that real property shown on Exhibits A and B following this chapter and by this reference made a part of this chapter.

18.24.040 Applicability. The provisions of this chapter shall apply to the following:

- A. Any proposed development agreement, specific plan, amendment to zoning or building regulations, amendment to the Tuolumne County general plan, or land acquisition by a government entity for any facility accommodating a congregation of people, or to any application filed pursuant to Titles 15, 16 or 17 of this code including, but not limited to, tentative or final subdivision maps or parcel maps, building permits, zoning amendments, use permits, site development permits, site review permits, planned unit development permits, design review permits or variances, when the proposal or application applies to lands located within the airport influence areas.
- B. Any discretionary entitlement for construction or alteration of a structure, including antennas, taller than seventy-five feet above the ground level at the site, any proposed new airport or heliport, and any other proposed land use action involving potential conflicts with airport activities, as determined by the

community development department, on any land located within the unincorporated area of Tuolumne County.

C. Any proposed adoption or modification of the master plan for an existing public-use airport.

18.24.045 Required submittals. Any proposal or application referenced in section 18.24.040 that is submitted for review by the airport land use commission or the secretary of the airport land use commission shall include the following information:

- A. For proposals or applications referenced in sections 18.24.040(A) or (B):
1. The type of land use action being sought from the local jurisdiction;
 2. Property location data, including, but not limited to, the assessor's parcel number, street address, and subdivision lot number;
 3. A legible, accurately scaled map showing the relationship of the project site to the airport boundary and runways;
 4. A description of existing and proposed land uses;
 5. For residential uses, an indication of the potential or proposed number of dwelling units per acre, including any secondary units on a parcel;
 6. For nonresidential uses, the number of people potentially occupying the total site or portions thereof at any one time;
 7. Identification of any characteristics which could create electrical interference, confusing lights, glare, smoke, or other electrical or visual hazards to aircraft flight;
 8. An environmental document, if one has been prepared which addresses airport compatibility issues; and
 9. Any other relevant information which the airport land use commission or the secretary of the airport land use commission determine to be necessary to enable a comprehensive review of the proposal.

- B. For adoption or modification of the master plan for an existing public-use airport referenced in section 18.24.040(C):
1. A layout plan drawing of the proposed facility showing the location of:
 - a. property boundaries;
 - b. runways or helicopter takeoff and landing areas; and
 - c. runway protection zones or helicopter approach/departure zones;
 2. Airspace surfaces in accordance with Federal Aviation Regulations, Part 77;
 3. Activity forecasts, including the number of operations by each type of aircraft proposed to use the facility;
 4. Proposed flight track locations and projected noise contours or other relevant noise impact data;
 5. A map showing existing and planned land uses in the areas affected by aircraft activity associated with implementation of the proposed airport or heliport;
 6. An environmental document, if one has been prepared which addresses land use compatibility issues;
 7. Identification and proposed mitigation of impacts on surrounding land uses.

18.24.050 Review by airport land use commission. Any application or proposal submitted pursuant to section 18.24.040 shall be referred by the agency responsible for processing the application or proposal to the secretary of the airport land use commission unless specifically exempted from review by action of the airport land use commission. The airport land use commission shall consider the application or proposal at a noticed public meeting and consider public input where applicable prior to rendering its decision. The airport land use commission may find the application or proposal consistent with the Tuolumne County airport land use compatibility plan, consistent with the plan subject to

modifications or conditions which the airport land use commission may specify, or inconsistent with the plan. In finding the application or proposal consistent with the plan, the airport land use commission shall determine the following:

- A. The project is within the height limits established by the Federal Aviation Administration, or is otherwise authorized by the Federal Aviation Administration pursuant to its regulations;
- B. The use is consistent with the adopted Tuolumne County airport land use compatibility plan, or will be consistent subject to conditions imposed by the airport land use commission;
- C. The use will not result in hazards to flight, specifically it will not generate any of the following:
 - 1. Glare or distracting lights which could be mistaken for airport lights;
 - 2. Sources of dust, steam, or smoke which could impair pilot visibility;
 - 3. Sources of electrical interference with aircraft communications or navigation;
 - 4. Any use, especially landfills and certain agricultural uses, which may attract large flocks of birds; or
 - 5. Hazards to flight which would otherwise endanger the landing, taking off, or maneuvering of aircraft intended to use the airport.

18.24.055 Review by the airport land use commission secretary. The review of an application or proposal referred pursuant to section 18.24.050 shall be performed by the secretary of the airport land use commission or referred to the airport land use commission as set forth in the Tuolumne County airport land use compatibility plan.

18.24.060 Action on application – Standards. The approval of any application or proposal subject to the provisions of this chapter shall be so conditioned as to:

- A. Require the owner to install, operate and maintain on the property such markers and lights as may be necessary to

indicate to aircraft the presence of an airport hazard;

- B. Not permit any nonconforming structure or use to be made or become higher, or become more of a hazard to air navigation or the general public than it was on the effective date of this chapter or than it is when the application for land use or development is made. Nonconforming trees shall be allowed to grow, unless they become a safety hazard as determined by the airport land use commission;
- C. Require any division of land for which a deed notice has been recorded pursuant to section 18.24.090 to include a note on the final parcel or subdivision map acknowledging the existence of the deed notice;
- D. Provide that structures be so constructed and sited as to provide noise levels compatible with the intended use, and which ensure a healthy living environment; and
- E. Require maximum aircraft-related, interior noise levels not to exceed:
 - 1. 45 dB CNEL in living areas of single- or multi-family residences, hotels, motels, hospitals, nursing homes, places of worship, meeting halls, office buildings, mortuaries, schools, libraries, and museums.
 - 2. 40 dB CNEL in sleeping areas of single- or multi-family residences.

18.24.070 Interpretation of applicability.

Nothing in this chapter is intended to require any change in the construction, alteration, or intended use of any structure, the existence, construction or alteration of which was begun prior to the effective date of this chapter.

18.24.075 Conflicting law. In the event of conflict between this chapter and any other law applicable to the same area or parcel of land, whether the conflict is with respect to the height of structures or trees, the use of land or any other matter, and whether such other law was adopted by the County or by some other public agency, the more stringent limitations or requirements shall govern and prevail.

18.24.080 Appeals. If the applicant or any other aggrieved party is dissatisfied with the decision of the airport land use commission concerning consistency of an application or proposal with sections 18.24.050 or 18.24.060, he/she may file an appeal with the board of supervisors.

- A. The appeal, accompanied by the fee set forth in chapter 3.40 of this code, shall be submitted to the community development department within ten days from the date of the decision and shall set forth in writing the reasons for the appeal. The community development department shall immediately forward a copy of the appeal to the clerk of the board. The clerk shall schedule the matter for public hearing before the board within thirty days and give notice of the hearing. Within forty-five days of receipt of the appeal, the board shall uphold, amend or overrule the decision of the airport land use commission.
- B. Appeals not submitted in a timely manner will not be considered and will be returned. An appeal on any aspect of the airport land use commission's decision submits all aspects of the decision to comprehensive (de novo) review and the board of supervisors shall consider the public record, receive testimony, and make all findings and determinations necessary to uphold, amend or overrule the decision of the airport land use commission.
- C. Decisions made by the board of supervisors concerning the consistency of the application or proposal with sections 18.24.050 and 18.24.060 which overrule or amend the recommendations of the ALUC, so as to be inconsistent with the Tuolumne County airport land use compatibility plan, shall require a two-thirds vote for such action after the board of supervisors makes specific findings that the proposed action is consistent with the purposes of the State Aeronautics Act as stated in Section 21670 of the Public Utilities Code.

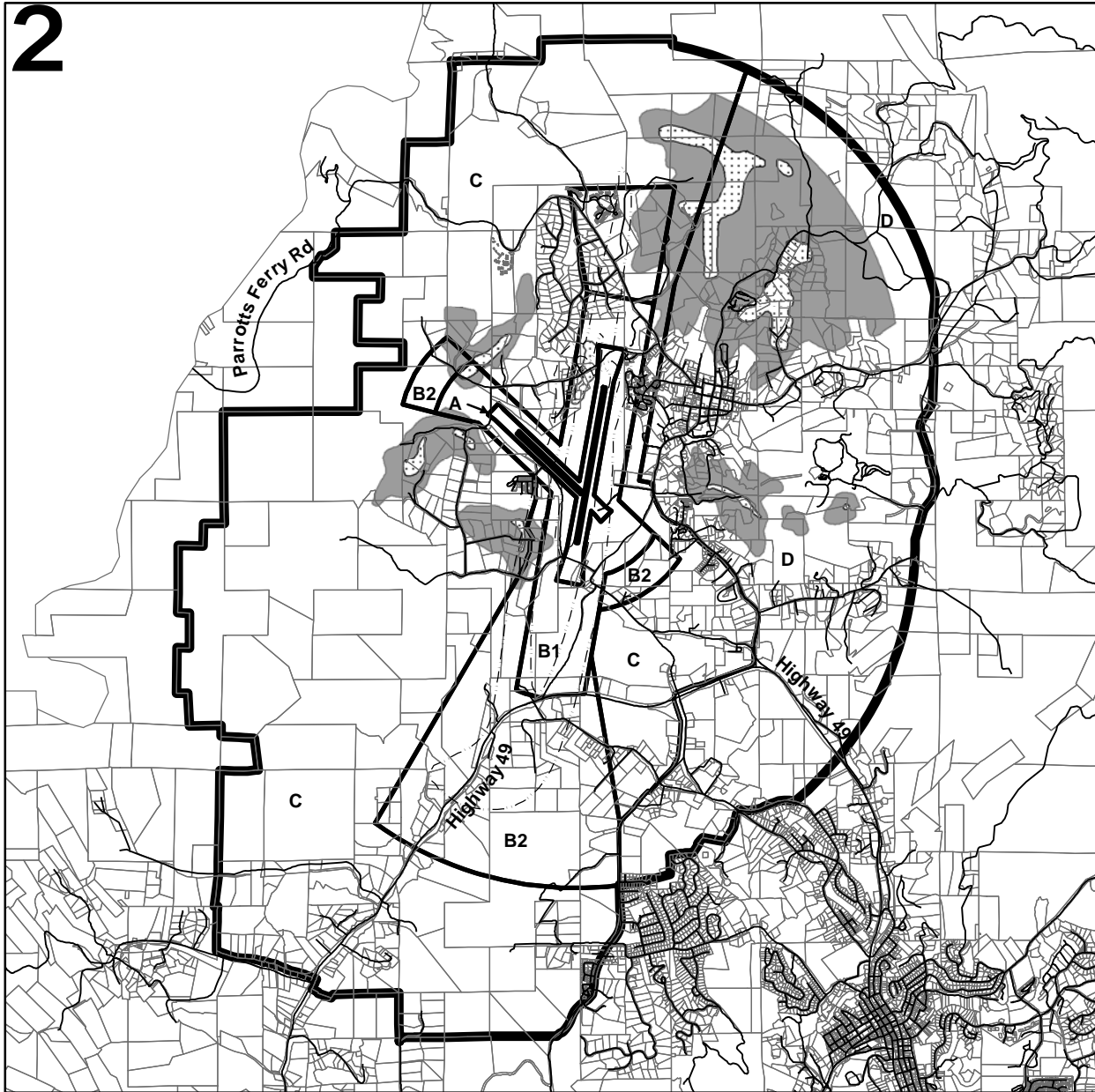
18.24.090 Deed notice. The County shall record a deed notice for each parcel located within the airport influence area boundary of the

Columbia and Pine Mountain Lake Airports. The notice shall disclose airport proximity conditions which may exist on any specific parcel at present or in the future. The notice shall also inform property owners and potential purchasers that the property is subject to land use measures contained in the Tuolumne County airport land use compatibility plan that may affect future development and the permissible height of vegetation on the property. Recording of a deed notice for any parcel pursuant to this section shall satisfy the requirement to record a deed notice for that parcel pursuant to section 17.49.100 of this code.

18.24.100 Abandonment of easement. The owner of property for which an Airport Aviation and Airspace Utilization Easement has been deeded to Tuolumne County as a condition of a land use entitlement issued by the County may apply to the board of supervisors to abandon the easement. The application to abandon the easement shall be submitted to the community development department on a form prescribed by the community development director and shall include the signature of the current owners of all property to which the easement originally applied. There shall be no fee for submitting an application to abandon the easement. (Ord. 3060 § 1, 2009)

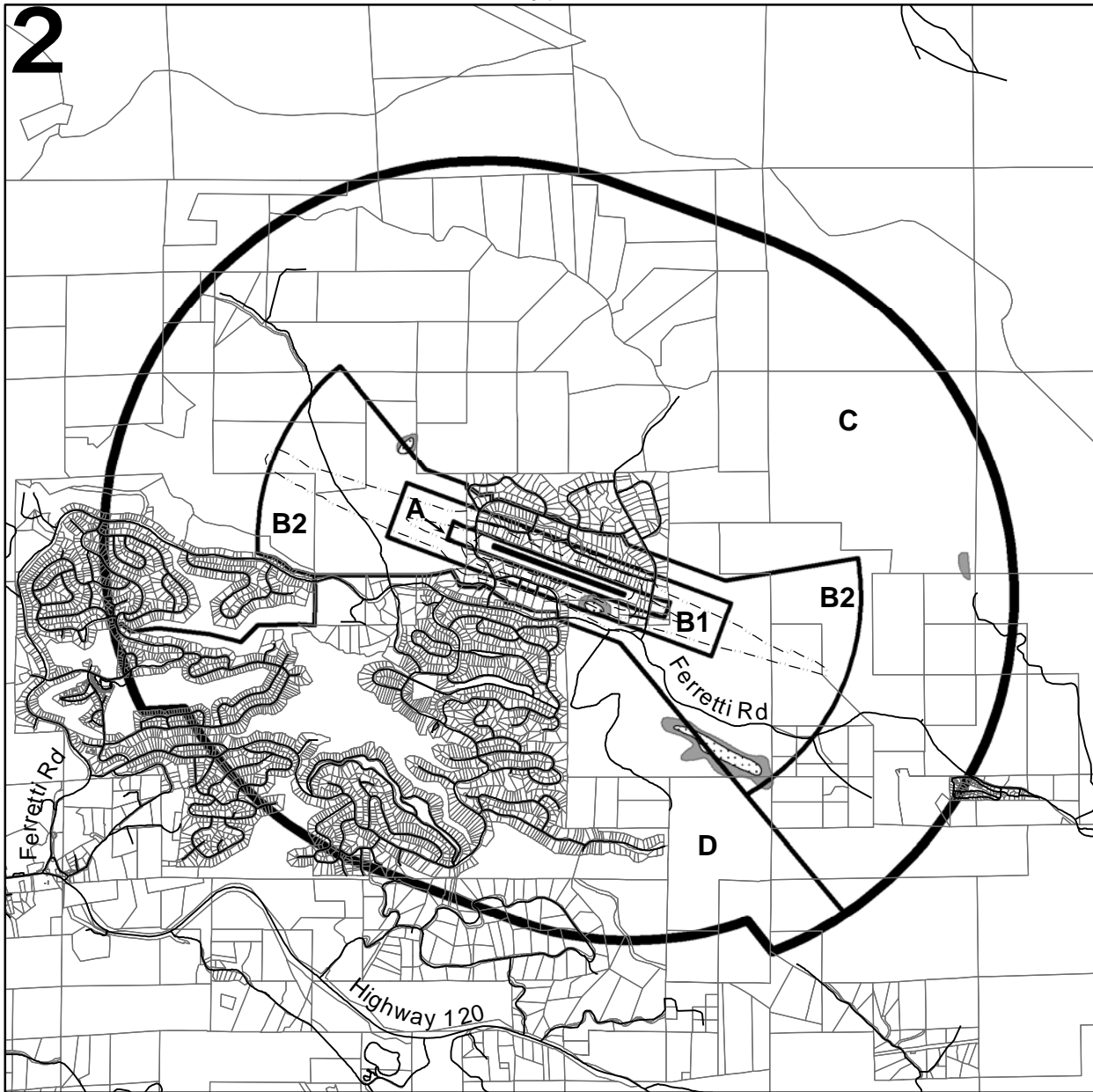
Influence Areas
Columbia Airport
Exhibit "A"

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| A Runway Protection Zone | Critical Height Zone Overlay |
| B1 Approach - Departure Zone | Height Caution Zone Overlay |
| B2 Extended Approach - Departure Zone | Noise Impact Zones
CNEL 55, 60, & 65 dBa |
| C Common Traffic Pattern Zone | Runway |
| D Other Airport Environs | Roads |

Influence Areas
Pine Mountain Lake Airport
Exhibit "B"



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|--|---|
| A Runway Protection Zone | Critical Height Zone Overlay |
| B1 Approach - Departure Zone | Height Caution Zone Overlay |
| B2 Extended Approach - Departure Zone | Noise Impact Zones
CNEL 55, 60, & 65 dBa |
| C Common Traffic Pattern Zone | Runway |
| D Other Airport Environs | Roads |