Reedley Municipal Airport
Land Use Compatibility Plan

Final

Prepared for the:
Fresno County Airport Land Use Commission

November 2007

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REEDLEY MUNICIPAL AIRPORT

LAND USE COMPATIBILITY PLAN

1. INTRODUCTION

This Airport Land Use Compatibility Plan (ALUCP) sets forth the criteria which the Fresno County Airport Land Use Commission (Fresno County ALUC) will use in evaluating a "project" as that term is defined in this document under Scope of Review. This policy plan is also a part of the City of Reedley and Fresno County General Plans and will be used by the City and County to guide land use decisions and permitting in those portions of the County within the Airport's influence area, also known as its Primary and Secondary Review Area.

This Plan was written following the adoption of the Reedley Municipal Airport Master Plan (2020) and incorporates changes in the California Airport Land Use Planning Handbook published in January 2002 by the California Department of Transportation Division of Aeronautics. The Handbook is a legislatively mandated guide which must be considered by ALUCs and those conducting environmental analysis within the Airport Influence Area of a public use airport, but does not constitute formal state policy or regulation. Public Utilities Code Section 21674.7 states that it is the intent of the Legislature in adopting the Handbook to discourage incompatible uses near airports, and that prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building local agencies shall be guided by the height, use, noise, safety, and density criteria as established in the Handbook.

Statutory authority for establishment of the Fresno County ALUC and its adoption of airport land use planning procedures and policies is provided by the California Public Utilities Code, Sections 21670-21679.5 (Chapter 4, Article 3.5). Section 21670 identifies the Legislature's purpose in establishing such commissions:

(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.

Section 21675 requires that ALUCs adopt a land use compatibility plan for each public use airport. Such a plan establishes an airport influence area within which the ALUC policies apply. This document satisfies that planning requirement for the Reedley Municipal Airport and sets this airport's area of influence. Within the Reedley Municipal Airport ALUC review area, proposals submitted to, or proposed by, local jurisdictions for the adoption or amendment of general and specific plans, zoning ordinances, building regulations, or changes to the airport master plan are to be referred to the Fresno County ALUC for a determination of consistency with this plan prior to final action being taken by the appropriate governing body.

This Airport Land Use Compatibility Plan will also be part of Fresno County and the City of Reedley General Plans. When approved by the Fresno County ALUC, the Reedley Municipal Airport Land Use Compatibility Plan will be implemented by Fresno County and the City of Reedley, as part of their General Plans and reflected, as necessary, in City and County zoning ordinances. Upon adoption, the City and County General Plans and this plan will be consistent with each other, as mandated by the State in Title 7, Division I, Chapter 3, Section 65302.3(a) of the State Planning, Zoning, and Development Law (see insert).

> **65302.3. Consistency with airport land use plans**
>
> (a) The general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the plan adopted or amended pursuant to Section 21675 of the Public Utilities Code.
>
> (b) The general plan, and any applicable specific plan, shall be amended, as necessary, within 180 days of any amendment to the plan required under Section 21675 of the Public Utilities Code.
>
> (c) If the legislative body does not concur with any provision of the plan required under Section 21675 of the Public Utilities Code, it may satisfy the provisions of this section by adopting findings pursuant to Section 21676 of the Public Utilities Code.
>
> *(Amended by Stats. 1984, Ch. 1009; Amended by Stats. 1987, Ch. 1018.)*
>
> *(Sections 65302.4 through 65302.7 repealed by Stats. 1984, Ch. 1009.)*

The formation of airport land use commissions (ALUCs) was mandated in 1968 for all counties containing at least one public use airport (Public Utilities Code Section 21670 et seq.). Legislation passed in 1982 established a direct link between ALUCs compatibility plans and land use plans and regulations prepared by cities and counties (Public Utilities Code Section 21676). In accordance with this legislation, ALUCs must review general and specific plans of local jurisdictions for consistency with the county's airport land use compatibility plan. Primary and Secondary Review Areas are identified for each airport. Projects proposed within the boundaries of the Primary Review Area are referred to the ALUC for review and evaluation. Within the Secondary Review Area, those projects involving a structure or other object with a height that would exceed that permitted under adopted land use zoning would be referred to the ALUC for review. Refer to Chapter 3.

This Airport Land Use Compatibility Plan is based on the Reedley Municipal Airport Master Plan 2020, adopted in May, 2005. Aircraft operations forecasts, and noise contours are those in

the Master Plan. Airport Safety Zones are as recommended in the California Airport Land Use Planning Handbook (January 2002).

This plan should be updated every five (5) years from the date of adoption or when the information upon which this plan is based, has been changed sufficiently to warrant a review of aircraft operations, noise contours, flight patterns, or land use compatibility.

AIRPORT LOCATION, PLANS, AND SETTING

2.1 Location and Airport Configuration

The City of Reedley is located in the San Joaquin Valley in Fresno County in Central California. It is approximately 25 miles southeast of Fresno. Refer to Exhibit 1, Location Map. The Reedley Municipal Airport is located on a 138-acre site. The site is located approximately five miles north of the City on the west side of Frankwood Avenue between American and Central Avenues. Refer to Exhibit 2, Airport Setting.

The current airport provides for general aviation, charter, and limited weight air freight service. It is an airport which serves primarily single engine and some small twin engine aircraft. Aircraft operations are limited to those generated by permanently based aircraft and enroute transient aircraft. Such an airport is primarily intended to serve low-activity locations, such as small population centers and remote recreation areas. No commercial air carrier service is provided to the municipal airport, and Reedley travelers are dependent upon the Fresno-Yosemite International Airport for such service.

Reedley Municipal Airport has a single asphaltic concrete paved runway (Runway 15/33) 3,300 feet long and 60 feet wide, oriented in a north/northwest to south/southeast direction. Refer to Exhibit 3. There is parallel 20-foot wide taxiway on the east side of the runway. The terminal and hangar areas are located to the east of the runway and taxiway in the center of the airfield area.

For visual approaches, the airport utilizes a right-hand approach pattern to Runway 33 to avoid overflight of the Great Western School located south of the airport and a left hand approach pattern to Runway 15. The airport has no published instrument approach procedures.

2.2 Aviation Forecasts / Master Plan Recommendations

During the 1980's, operations at Reedley Municipal Airport increased substantially after the City acquired the old Great Western Airport. In 2000 there were about 70-based aircraft at the airport.

An Airport Master Plan was prepared and adopted by the City in May, 2005. As well, an Environmental Impact Report on the Master Plan and First Phase development was done and certified by Reedley in May, 2005.

The Master Plan (2020) forecasts indicate a projected increase of based aircraft from 70 in 2000 to 95 in the year 2020. Based on these percentages the LUCP reflects a projected increase through 2027 to be 104 based aircraft. Annual aircraft operations are forecast to increase from 26,923 to 36,538 in 2020. These operations include local and itinerant aircraft. Based on these forecast, in the Master Plan, the LUCP will reflect annual aircraft operations to be at 39,898 by 2027.
Most of the based aircraft will be single engine. It is expected that some twin-engine piston and occasional turboprop and turbine aircraft would make transient flights to Reedley for business and tourism reasons.

The Master Plan recommended widening of the runway by 10 feet to 60 feet and widening of the parallel taxiway by 5 feet to 25 feet, together with construction of a paved stopway within the runway safety area at the north end of the runway and a blast pad at the southern runway end, to enhance airport safety and meet FAA standards. This work has been done, except for widening of the parallel taxiway. Refer to Exhibit 4, Airport Layout Plan. The Airport Layout Plan includes data on existing and future airport facilities.

2.3 Surrounding Land Uses

Reedley Municipal Airport is located approximately five miles north of the center of the City of Reedley. The land uses in the airport vicinity are predominately agricultural uses, except for the Great Western Elementary School which is located south of the airport across American Avenue and some residential uses south and east of the airport and a distillery to the northwest of the airport. Refer to Exhibit 5. The area surrounding the airport is zoned AE20, Exclusive Agricultural District with 20-acre minimum parcels, by Fresno County.

During public hearings on the proposed airport acquisition and development in 1972, the airport's proximity to the Great Western Elementary School was a land use compatibility concern. Safety was the primary issue. However, potentially adverse impacts of the airport are mitigated by the flight pattern of aircraft, which prevents overflight of the school, by an established right-hand approach traffic pattern. A sign is posted at the entrance to the north end runway to advise pilots not to overfly the school upon take-off.

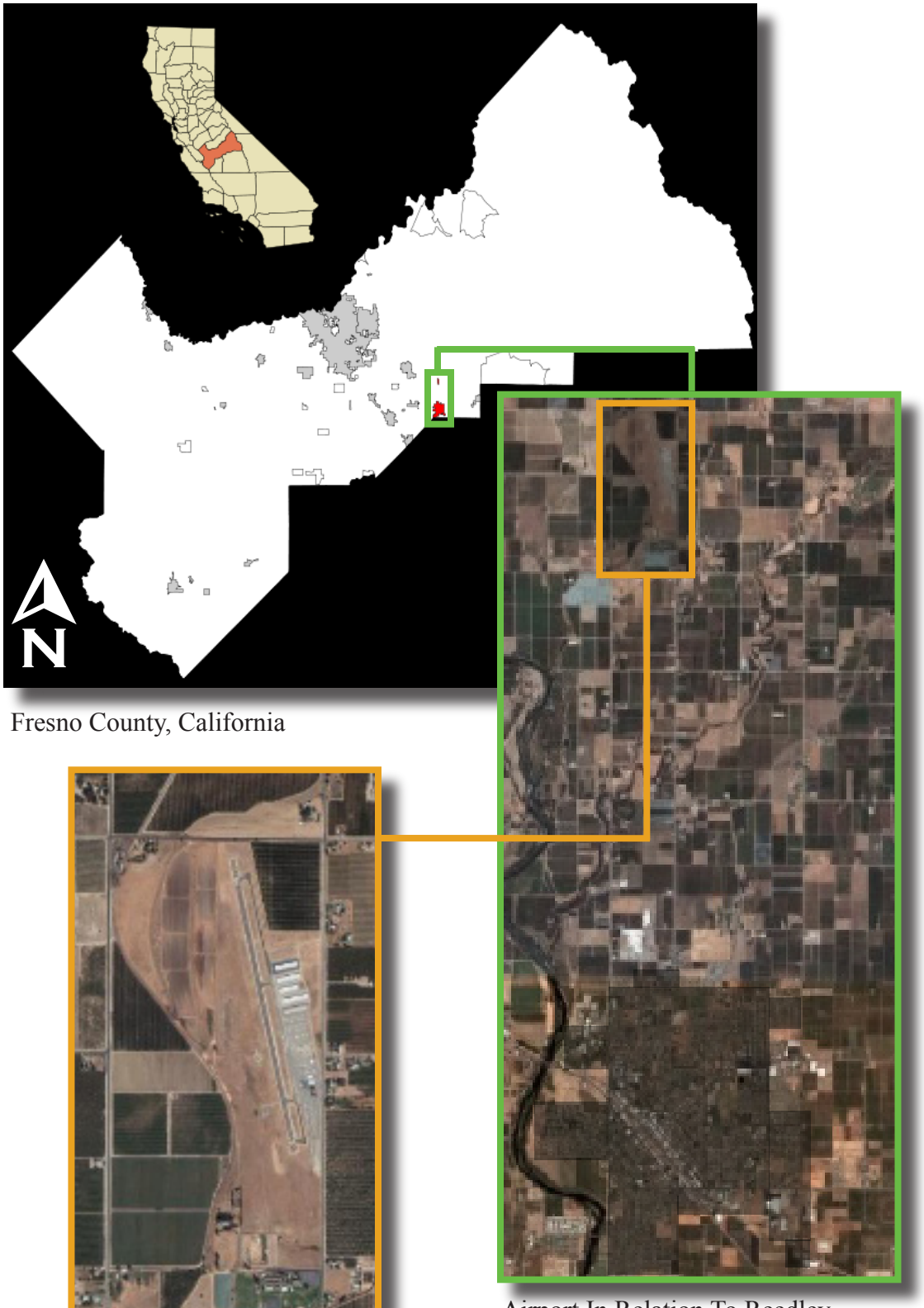


Exhibit 1
Location Map
Reedley Municipal Airport

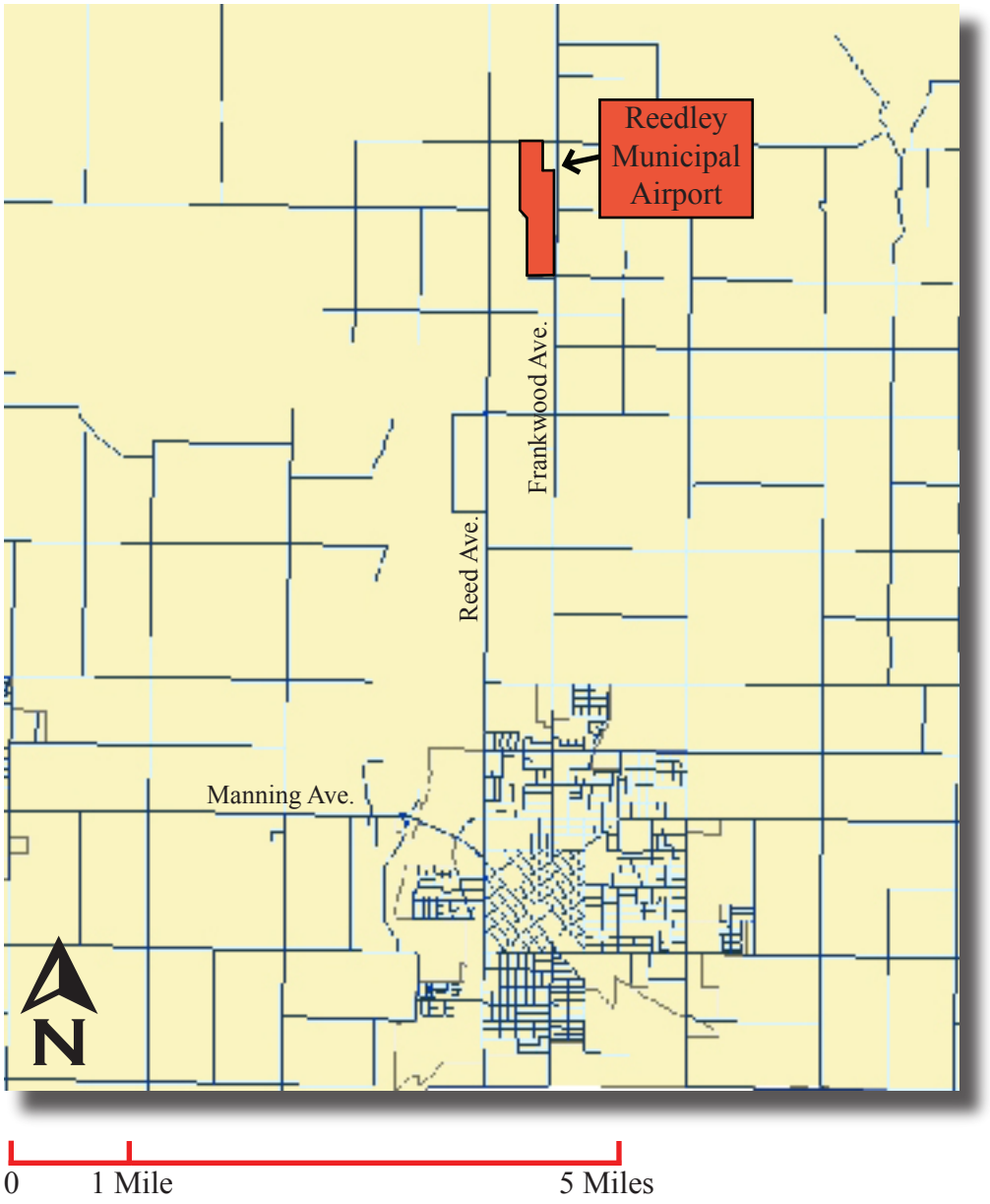
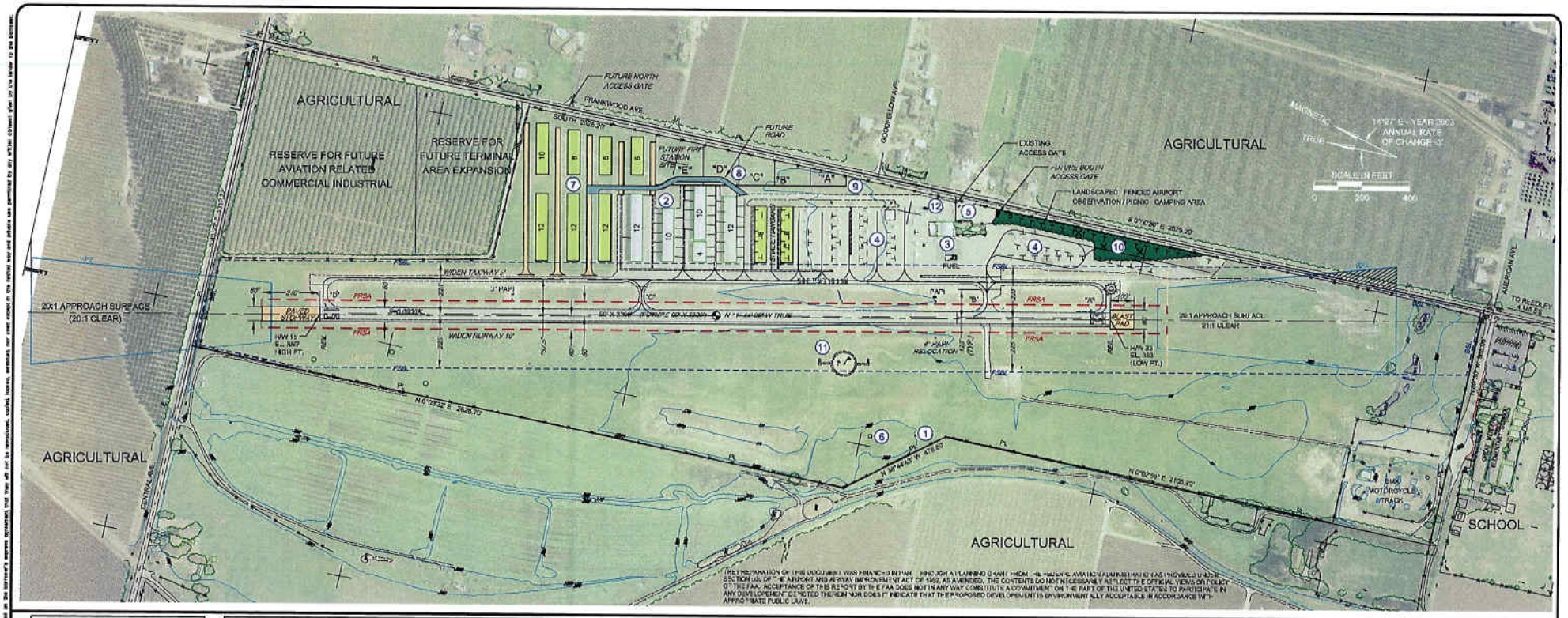


Exhibit 2
Airport Setting
Reedley Municipal Airport



Exhibit 3
Airport Aerial Photo
Reedley Municipal Airport



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LEGEND

	EXISTING	FUTURE
AIRPORT REFERENCE POINT		SAME
AIRPORT PROPERTY LINE		
AVIGATION EASEMENT		SAME
BUILDING SETBACK LINE		
RUNWAY SAFETY AREA	RSA	RSA
RUNWAY PROTECTION ZONES	RPZ	RPZ
BUILDINGS		
DRAINAGE		
FACILITIES		
FACILITY TO BE REMOVED	N/A	
FENCE		
LIGHTING		
WIND CONE		

AIRPORT DATA

		EXISTING	FUTURE
AIRPORT REFERENCE CODE CATEGORY		A - II	SAME
ELEVATION (MSL)		365'	SAME
TEMPERATURE (MEAN MAX. OF HOTTEST MONTH)		98.5° F	SAME
REFERENCE POINT COORDINATES (NAD 83)	LATITUDE	N 36°-40'-15.60"	N 36°-40'-15.60"
	LONGITUDE	W 119°-27'-03.56"	W 119°-27'-03.56"
NAVIGATIONAL AIDS		PAPI	REIL
ACREAGE	FEE TITLE	138	SAME
	AVIATION EASEMENT	0.4	SAME
BASED AIRCRAFT PARKING DEMAND	TIEDOWNS	22	44
	HANGARS/SHELTERS	48	81
	TOTAL	70	125
TRANSIENT AIRCRAFT TIEDOWN DEMAND		6	7
AIRPORT RESCUE & FIRE FIGHTING INDEX (ARFF)		N/A	NA

RUNWAY DATA

		RUNWAY 15-33	
		EXISTING	FUTURE
RUNWAY CATEGORY		A - II	SAME
RUNWAY CLASSIFICATION		BASIC	SAME
PHYSICAL LENGTH, WIDTH, AND SURFACE		3300'x60' ASPHALT	3300'x60' ASPHALT
THRESHOLD DISPLACEMENT (D) OR RELOCATION (R)		NONE	SAME
EFFECTIVE GRADIENT (E)		0.9%	SAME
PAVEMENT STRENGTH (1000#) SINGLE WHEEL GEAR		12.5	SAME
LIGHTING AND VISUAL AIDS		MIRL/PAPI	SAME
MARKING		BASIC	NON-PRECISION
CRITICAL DESIGN AIRCRAFT	RUNWAY LENGTH	5570	SAME
	PAVEMENT STRENGTH	A0850	SAME
	WINGSPAN	A0850	SAME
INSTRUMENT APPROACH TYPE/ RUNWAY FAR PART 77 CATEGORY	15	VISUAL	NON-PRECISION
	33	VISUAL	NON-PRECISION
APPROACH SLOPE REQUIRED/CLEAR	15	20:1/20:1	SAME
	33	20:1/20:1	SAME
APPROACH & LANDING AIDS	15	NONE	GPS
	33	NONE	GPS
RUNWAY END COORDINATES (NAD 83)	15 LAT.	N 36°-40'-31.55"	N 36°-40'-31.55"
	15 LONG.	W 119°-27'-07.80"	W 119°-27'-07.80"
	33 LAT.	N 36°-39'-59.65"	N 36°-39'-59.65"
	33 LONG.	W 119°-26'-58.38"	W 119°-26'-58.38"
RUNWAY SAFETY AREA DIMENSIONS:	WIDTH	120'	SAME
	LENGTH (240' BEYOND END)	3540'	SAME
RUNWAY PROTECTION ZONE DIMENSIONS: (INNER/OUTER/LENGTH)	15	250/450/1000	SAME
	33	250/450/1000	SAME
RUNWAY OBSTACLE FREE ZONE AIRCRAFT		SMALL	SAME
WIND COVERAGE (%)	10 MPH ALL WEATHER	N/A	SAME
	10 MPH ALL WEATHER	N/A	SAME

FACILITY DATA

1	AIRPORT BEACON
2	HANGARS
3	FBO
4	APRON
5	AUTO PARKING
6	[illegible]
7	FUTURE HANGARS
8	[illegible]
9	FUTURE AIRPORT/FIRE DEPARTMENT STATION
10	FUTURE PICNIC/CAMPING OBSERVATION AREA
11	[illegible]
12	[illegible]

TAXIWAY DATA

T/W	TYPE	PAVEMENT SURFACE	PAVEMENT WIDTH		STRENGTH (1000#) SINGLE GEAR		MARKING/ LIGHTING	
			EXISTING	FUTURE	EXISTING	FUTURE	EXISTING	FUTURE
A	PARALLEL	ASPHALT	20'	35'	12.5	SAME	MITL	SAME
A	EXIT	ASPHALT	30'	35'	12.5	SAME	MITL	SAME
B	EXIT	ASPHALT	28'	35'	12.5	SAME	MITL	SAME
C	EXIT	ASPHALT	30'	35'	12.5	SAME	MITL	SAME
D	EXIT	ASPHALT	34'	35'	12.5	SAME	MITL	SAME

FAA APPROVAL

CITY OF REEDLEY

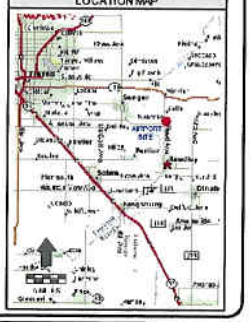
By: _____ Date: _____

Title: _____

NOTES

1. ALL AIRFIELD PAVEMENTS ARE ASPHALTIC CONCRETE.
2. SITING OF NAVAIDS AND LIGHTING AIDS SUBJECT TO FAA REVIEW AND DESIGN.
3. TOPOGRAPHY SOURCE JANUARY 2003 PHOTOMAPPING.
4. THE AIRPORT IS NOT SUBJECT TO FLOODING.
5. AN AIRPORT HEIGHT ZONING ORDINANCE IS IN EFFECT.
6. CLEAR SLOPES ARE BASED ON ANALYSIS OF USGS TOPOGRAPHY.
7. SITE SPECIFIC WIND DATA IS NOT AVAILABLE.
8. COORDINATE BASIS: NAD 1983 HORIZONTAL AND NAVD 1988 VERTICAL.
9. NO OFZ OBJECT PENETRATIONS.

LOCATION MAP



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1314-1ALP 03-04-05 1=1 XREF: X-REEDLEY-MP-ERDR MASTER-NEW

NO.	DATE	BY	REVISIONS

DRAWN DLH CHECKED REV DESIGNED RPW

REEDLEY MUNICIPAL AIRPORT

A CITY OF REEDLEY AVIATION FACILITY

REEDLEY CALIFORNIA

AIRPORT LAYOUT PLAN

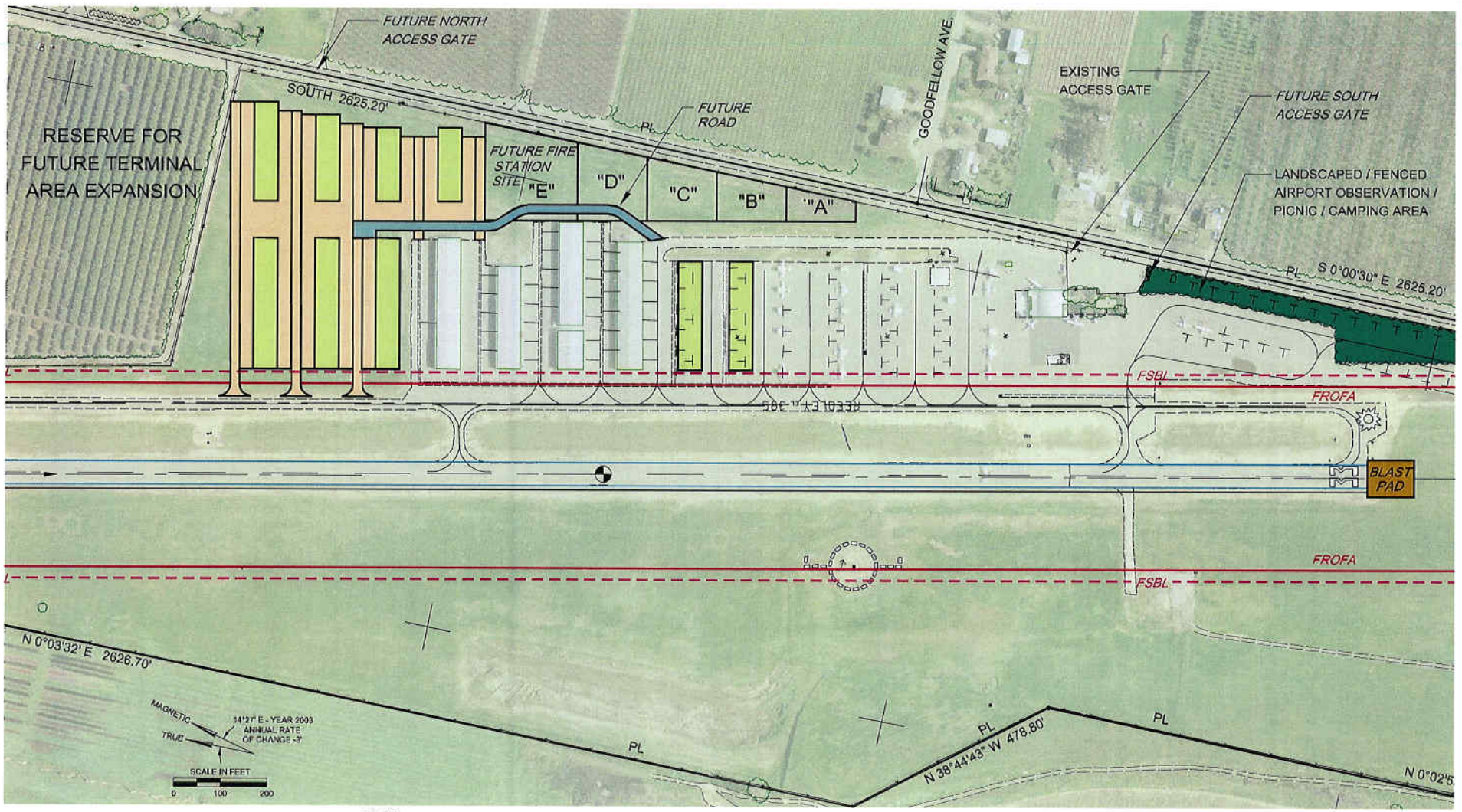
JOB NUMBER 1314 DRAWING NUMBER 1314-1ALP

DRAWING 1 OF 4

SCALE AS SHOWN

DATE MAR 2005

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LEGEND

	FUTURE
AIRFIELD PAVEMENT	
TERMINAL PAVEMENT	
ROADS & AUTO PARKING	
BUILDINGS	

REEDLEY MUNICIPAL AIRPORT
A CITY OF REEDLEY AVIATION FACILITY
REEDLEY CALIFORNIA

TERMINAL AREA DRAWING

DRAWING 3 OF 4

SCALE AS SHOWN

DATE MAR 2005

JOB NUMBER 1314 DRAWING NUMBER 1314-3TAD

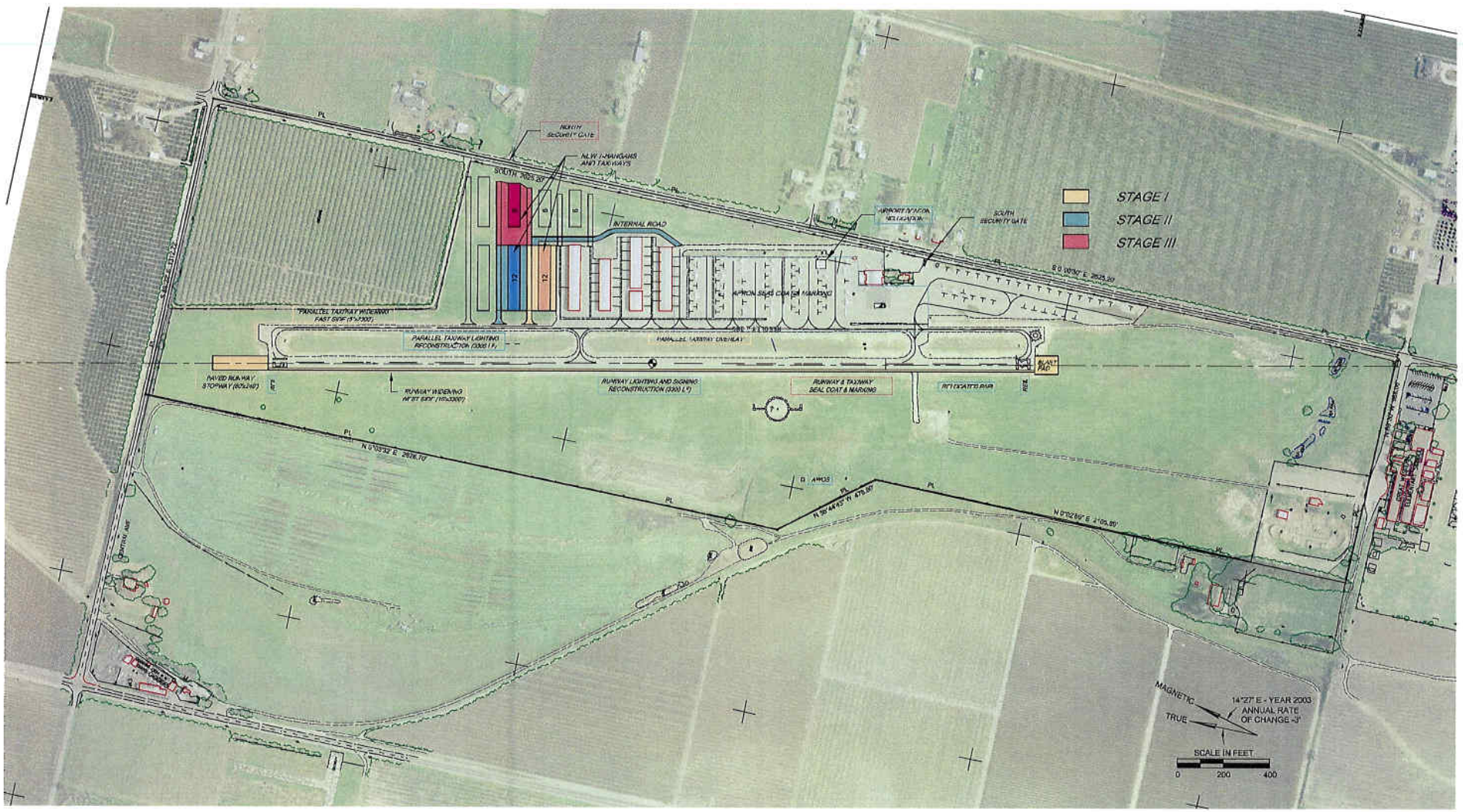
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NO. DATE BY REVISIONS

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1314-3TAD 12-16-03 1=1 XREF: X-REEDLEY-AP-BASE, DRF:GIS1865, MASTER-NEW



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.1314-4SD0 12-15-03 (=) XREF: X-REEDLEY-MP-BASE, ORTHOB1865, MASTER-NEW

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REEDLEY MUNICIPAL AIRPORT

A CITY OF REEDLEY AVIATION FACILITY

REEDLEY CALIFORNIA

STAGE DEVELOPMENT DRAWING

DRAWING 4 OF 4

SCALE AS SHOWN

NO.	DATE	BY	REVISIONS
DRAWN	DLH	CHECKED	DESIGNED RPW

JOB NUMBER 1314 DRAWING NUMBER 1314-4SD0 DATE MAR 2005



Exhibit 5
Surrounding Land Uses
Reedley Municipal Airport

3. SCOPE OF ALUC REVIEW

1. All proposed projects involving land lying within the boundaries of the Primary ALUC Review Area for the Reedley Municipal Airport shall be referred to the Fresno County Airport Land Use Commission for review and evaluation to their consistency with this plan. The Primary Review Area is shown in Exhibit 6.

2. For the purposes of referral to the Airport Land Use Commission, a "proposed project" shall include the adoption of and the amendment to general and specific plans, zoning ordinances, building regulations, and airport master plans. Projects shall be referred to the Fresno County ALUC for a Determination of Consistency prior to approval by local governing bodies and based upon draft final environmental documentation incorporating any response comments and a mitigation-monitoring checklist.

   In the case of projects involving the adoption or amendment of an Airport Master Plan, or to the Conditional Use Permit or Site Plan Review for the airport facilities, the project shall be submitted to the Fresno County ALUC for review and comment as early in the process as possible to gain the Commission's input and again late in the process as possible for a Determination of Consistency based upon draft final environmental documentation incorporating response comments and including a mitigation-monitoring checklist.

3. Evaluation of projects shall primarily be based on the land use compatibility policies set forth in this plan, in conformance with standards contained in the California Airport Land Use Planning Handbook developed by the Department of Transportation, Division of Aeronautics. Where an overlap occurs between noise, airspace protection, safety, and general nuisance standards, all policies applicable to the particular location shall be considered. In cases where the noise compatibility criteria in Table 1 indicate the project to be "marginal" and the safety compatibility criteria in Table 3 indicate a risk exists, the type of project should be discouraged.

4. Those projects involving a structure or other object, the height of which would exceed that permitted under the adopted land use zoning and lying within the boundaries of the Secondary ALUC Review Area, defined by the FAR Part 77 conical surface, shall also be referred to the Fresno County ALUC for review. Refer to Exhibit 6.

5. The Fresno County ALUC may, at its discretion, request information and review a project within the airport's Secondary ALUC Review Area for factors other than excessive height. Such projects, however, need not be routinely submitted to the Fresno County ALUC for review.

6. A copy of any Notice of Construction or Alteration submitted to the Federal Aviation Administration in accordance with FAR Part 77, Subpart B, "Notice of Construction or Alteration", shall concurrently be submitted to the Fresno County Airport Land Use Commission for review regardless of where in the County the object involved is proposed to be located.

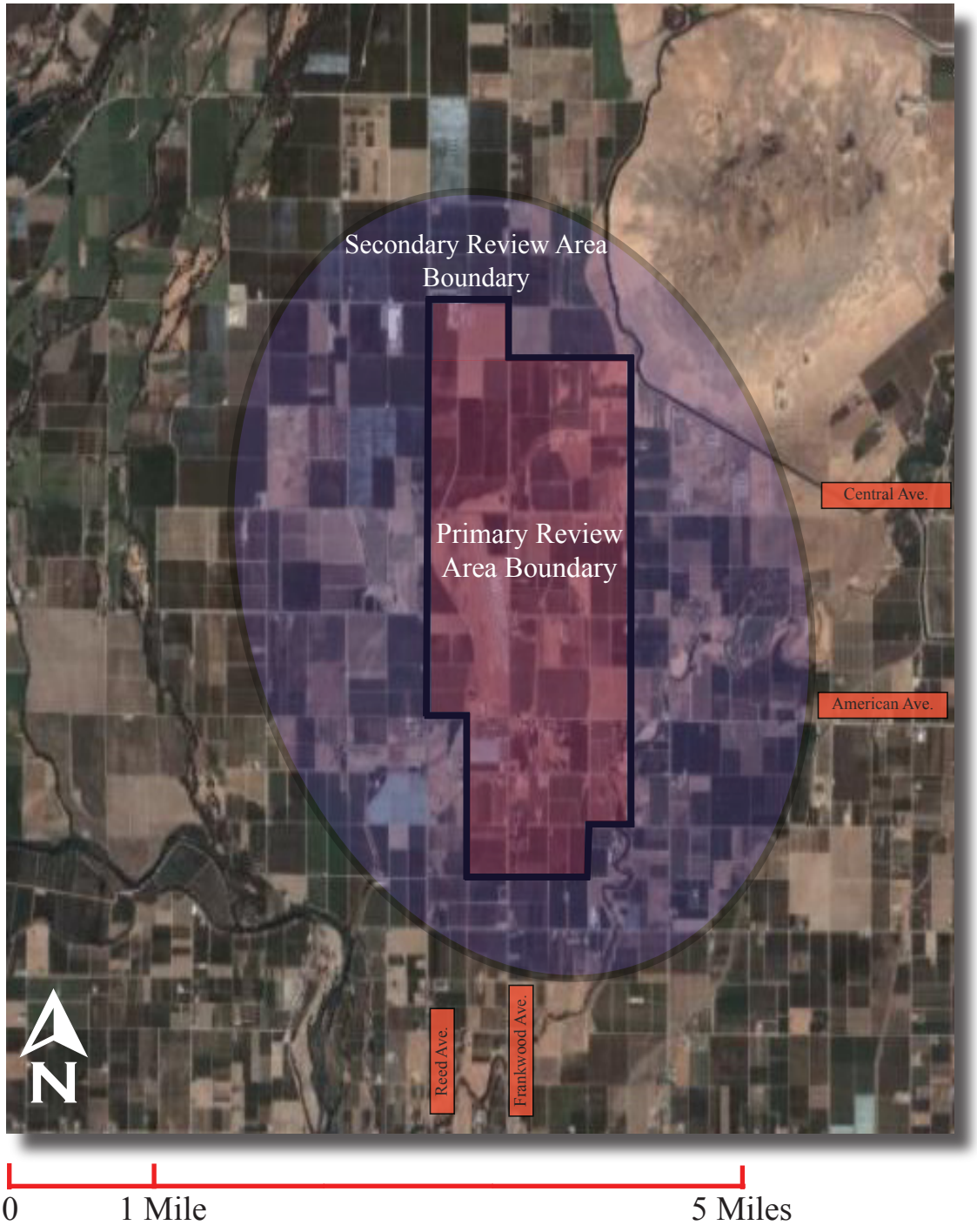


Exhibit 6
ALUC Review Area
Reedley Municipal Airport

4. LAND USE COMPATIBILITY POLICIES

This section presents policies addressing land use compatibility with airport noise, airspace protection, safety, and general nuisance impacts. The previous chapter indicates the specific types of projects, which are subject to Fresno County ALUC review. Exhibit 6 illustrates the extent of the airport influence area within which projects are to be referred to the Commission for review.

4.1 Noise Compatibility Polices

1. Airport/land use noise compatibility shall be evaluated in terms of the Community Noise Equivalent Level (CNEL), as defined in Title 21 of the California Code of Regulations.

2. Airport noise exposure levels shall be described using a 20-year forecast of aviation activity calculated using the most recent version of the Federal Aviation Administration's Integrated Noise Model (INM).

3. The maximum outdoor noise exposure, which shall be considered normally acceptable for residential areas, is 60dB CNEL. This residential area criterion establishes the baseline from which noise compatibility for other land uses shall be evaluated.

4. The relative acceptability or unacceptability of particular land uses with respect to the noise levels to which they would be exposed is indicated in the "Airport Land Use Noise Compatibility Criteria" matrix in Table 1. These criteria shall be the principal determinants of whether a proposed land use is compatible with the noise impact from nearby airport activity, but special circumstances which would affect the specific proposal's noise sensitivity (e.g. the extent or lack of outdoor activity) shall also be taken into account.

5. As determined by the Fresno County ALUC, a condition for approval of a proposed land use which is shown in Table 1 to be "marginal" or "normally unacceptable" for a given noise environment shall be that any building intended for habitation or occupation will provide a satisfactory degree of noise attenuation. Table 2, Interior Noise Level Criteria, sets forth the maximum acceptable interior noise levels for commonly occurring noises from exterior sources. If the structure can reduce the noise exposure to the indicated level, the use may be acceptable.

   Note: The interior noise criteria are measured in terms of maximum noise levels of individual events and not average noise levels as represented by CNEL values. Since maximum exterior, individual event noise levels are greater than the CNEL value at a given location, the required noise reduction of the structure thus will be greater than the difference between the interior noise level criterion and the CNEL value.

6. In addition to the interior noise level criteria for individual exterior noises, the Interior CNEL attributable to exterior sources shall not exceed 45 dBA, with windows closed, in any habitable room of a residential dwelling.

7. In applying the interior noise level criteria listed in Table 2, engine run-up noise shall be considered as a source of commonly occurring exterior noise.

8. When a proposed project will involve a land use, which is shown in Table 1 to be "marginal" or "normally unacceptable" within an outdoor noise environment in excess of 60dB CNEL, analysis shall be done in a manner indicated in the California Noise Insulation Standards (California Code of Regulations, Title 25, Chapter 1, Subchapter 1, Article 4, Section 28).

9. When applying the noise compatibility criteria to a given location, the basis for evaluation shall be the maximum CNEL to which the location is forecast to be exposed. For the Reedley Municipal Airport, the 55, 60, and 65dB CNEL noise contours are depicted on Exhibit 7, 2020 Noise Exposure Contours. FAA's Integrated Noise Model, Version 6.1 was used to perform calculations to produce these forecasted contours. Average day aircraft operations forecast in the Reedley Airport Master Plan 2020 were used as the basis of calculations. Average day operations were projected to increase from 73.8 in the year 2000 to 100 in the year 2020. Most operations are expected to be by single-engine propeller aircraft.

Table 1
AIRPORT LAND USE NOISE COMPATIBILITY CRITERIA

LAND USE CATEGORY	CNEL[1,2]		
	50-55	55-60	60-65
Residential			
Single Family detached and duplexes	+	+	0
Multi family and transient lodging	++	+	0
Mobile Homes	+	+	-
Public			
Schools, Libraries, Hospitals, Nursing Homes	+	0	-
Churches, Auditoriums, Concert Halls	+	0	0
Transportation, Parking, Cemeteries	++	++	++
Commercial and Industrial			
Offices, retail trade	++	+	0
Service Commercial, Wholesale trade, Ware-Housing, Light Industrial	++	++	+
General Manufacturing, Utilities, Extractive Industry	++	++	++
Agricultural and Recreational			
Cropland	++	++	++
Livestock breeding	++	+	0
Parks, Playgrounds, Zoos	++	+	+
Golf courses, Riding stables, Water recreation	++	++	+
Outdoor spectator sports	++	+	+
Amphitheaters	+	0	-

Source: Fresno County Airport Land Use Commission
Notes: 1. See Figure 1 for aircraft noise contour locations
2. See explanation of land use acceptability symbols on following page.

Table 1 (Continued)
AIRPORT LAND USE NOISE COMPATIBILITY CRITERIA

Symbol	Land Use Acceptability	Interpretation/Conditions
++	Clearly Acceptable	The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.
+	Normally Acceptable	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	Marginal	**Acceptable only by ALUC determination** The indicated noise exposure will cause moderate interference with outdoor activities and with indoor activities when windows are open. Uses that fall within this category must be reviewed on a case by case basis by the Fresno County ALUC. The ALUC may determine the land use to be acceptable under conditions where outdoor activities are minimal and normal construction features provide sufficient noise attenuation (e.g., installation of air conditioning so that windows can be kept closed). Under other circumstances, the land use should be discouraged.
-	Normally Unacceptable	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.
--	Clearly Unacceptable	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.

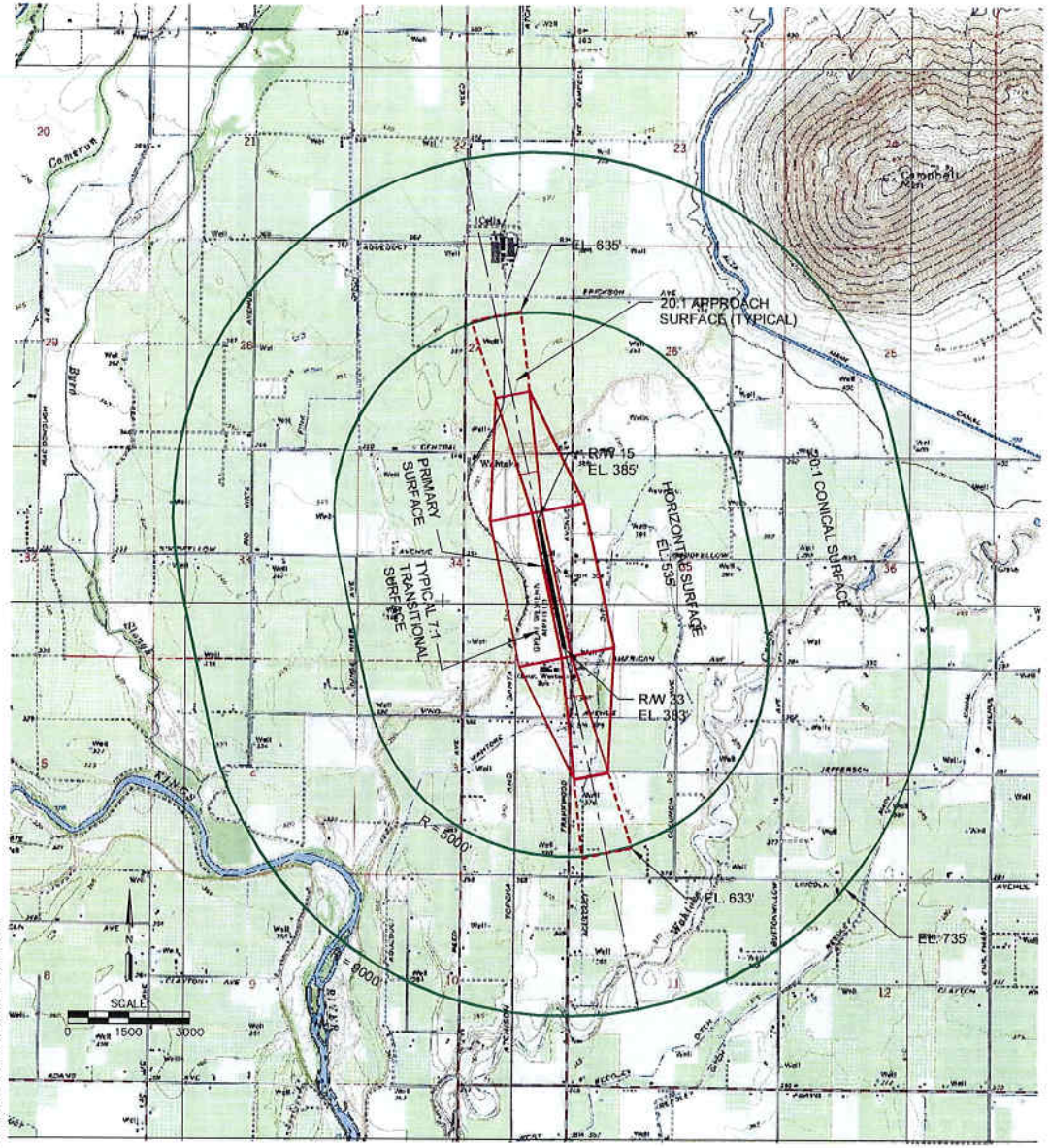
Table 2
INTERIOR NOISE LEVEL CRITERIA

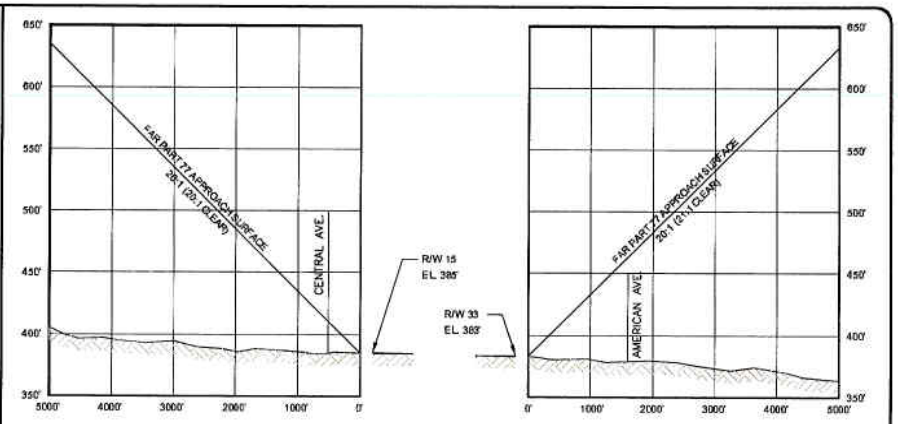
Maximum Acceptable Interior Noise Levels for Commonly Occurring Individual Noise Events from Exterior Sources

GENERALIZED LAND USE	ACCEPTABLE NOISE LEVEL (DBA)[1]	BASIS FOR CRITERION
RESIDENTIAL: SINGLE- AND MULTI-FAMILY DWELLINGS		
1. Living Areas		
a. Daytime	60	Conversation - 5 feet - normal voice
b. Nighttime	55	Conversation - 10 feet - normal voice
2. Sleeping Areas	50	Sleeping
EDUCATIONAL FACILITIES, ETC.		
1. Concert Hall	25	Intrusion of noise may spoil artistic effect
2. Legitimate Theater	30	Intrusion of noise may spoil artistic effect
3. School Auditorium	35	Minimize intrusion into artistic performance
4. School Classroom	55	Speech communication - 20 feet - raised voice
5. School Laboratory	60	Speech communication - 50 feet - normal voice
6. Church Sanctuaries	45	Speech communication - 50 feet - raised voice
RECREATIONAL FACILITIES		
1. Motion Picture Theater	45	Minimize intrusion into artistic performance
2. Sports Arena	75	Conversation - 2 feet - raised voice
3. Bowling Alley	75	Conversation - 2 feet - raised voice
COMMERCIAL, MISCELLANEOUS		
1. Hotel, Motel Sleeping	50	Sleeping
2. Hospital Sleeping	50	Sleeping
3. Executive Office, Conf. Rm	55	Speech communication - 12 feet - normal voice
4. Staff Offices	60	Speech communication - 6 feet - normal voice
5. Sales, Secretarial	65	Satisfactory telephone use
6. Restaurants	65	Speech communication - 4 feet - normal voice
7. Markets, Retail Stores	65	Speech communication - 4 feet - normal voice
LIGHT INDUSTRIAL		
1. Office Areas	Note 2	Note 2
2. Laboratory	60	Speech communication - 6 feet - normal voice
3. Machine Shop	75	Speech communication - 3 feet - raised voice
4. Assembly, Construction	75	Speech communication - 2 feet - raised voice
HEAVY INDUSTRIAL		
1. Office Areas	Note 2	Note 2
2. Machine Shop	75	Speech communication - 3 feet - raised voice
3. Assembly, Construction	75	Speech communication - 2 feet - raised voice

Source: Adapted from Table 2 in "Noise Insulation Problems in Buildings", Paul S. Veneklasen & Associates, January 1973, as reported in Sierra Sky Park Land Use Policy Plan, Fresno County Land Use Commission, October 16, 1995.

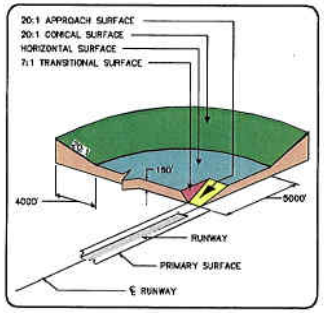
Notes: 1. These are maximum levels for individual events measured in dB(A) rather than CNEL values.
2. See Criteria for Land Uses No. 3, 4 and 5 under "Commercial, Miscellaneous" category.





APPROACH PROFILES

ISOMETRIC VIEW



APPROACH DATA

RUNWAY NUMBER	15 / 33	
	EXISTING	FUTURE
LENGTH	3300'	SAME
APPROACH TYPE	VISUAL	NON-PRECISION
NAVAIDS	PAPI	SAME
APPROACH SURFACE		
LENGTH	5000'	SAME
SLOPE	20:1	SAME
INNER WIDTH	250'	SAME
OUTER WIDTH	1250'	SAME
RUNWAY PROTECTION ZONE		
INNER WIDTH	250'	SAME
OUTER WIDTH	450'	SAME
LENGTH	1000'	SAME

NOTES:

- THIS PLAN IS INTENDED TO PRESERVE AND PROTECT FOR AN EXISTING 3300' RUNWAY 15/33 WITH VISUAL APPROACHES ON BOTH ENDS AND SMALL AIRCRAFT ONLY.
- THERE ARE NO KNOWN PENETRATIONS OF THE HORIZONTAL, TRANSITIONAL OR CONICAL SURFACES.
- PROFILES REPRESENT A COMPOSITE OF THE HIGHEST TERRAIN IN THE APPROACH SURFACES.
- INFORMATION SOURCE: CURRENT U.S.G.S. MAPS.
- AIRPORT ELEVATION IS 385' MSL. AIRPORT REFERENCE POINT COORDINATES (NAD 83) ARE AS FOLLOWS:

	EXISTING	FUTURE
LATITUDE	N 36°-40'-15.60"	SAME
LONGITUDE	W 119°-27'-03.59"	SAME

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1314-2RPZ 12-16-03 1=1 REF: REEDLEYUSGS_2001 TO 0012
XREF: X-REEDLEY-AP-BNDR, USGS-COMBO-FULLSIZE

WADELL ENGINEERING CORPORATION AIRPORT PLANNING · ENGINEERING · MANAGEMENT san francisco bay area

NO.	DATE	BY	REVISIONS
DRAWN	DLH	CHECKED	DESIGNED RPW

REEDLEY MUNICIPAL AIRPORT
A CITY OF REEDLEY AVIATION FACILITY
REEDLEY CALIFORNIA

APPROACH AND RUNWAY PROTECTION ZONE DRAWING

JOB NUMBER 1314 DRAWING NUMBER 1314-2RPZ

DRAWING 2 / OF 4

SCALE AS SHOWN

DATE MAR 2005

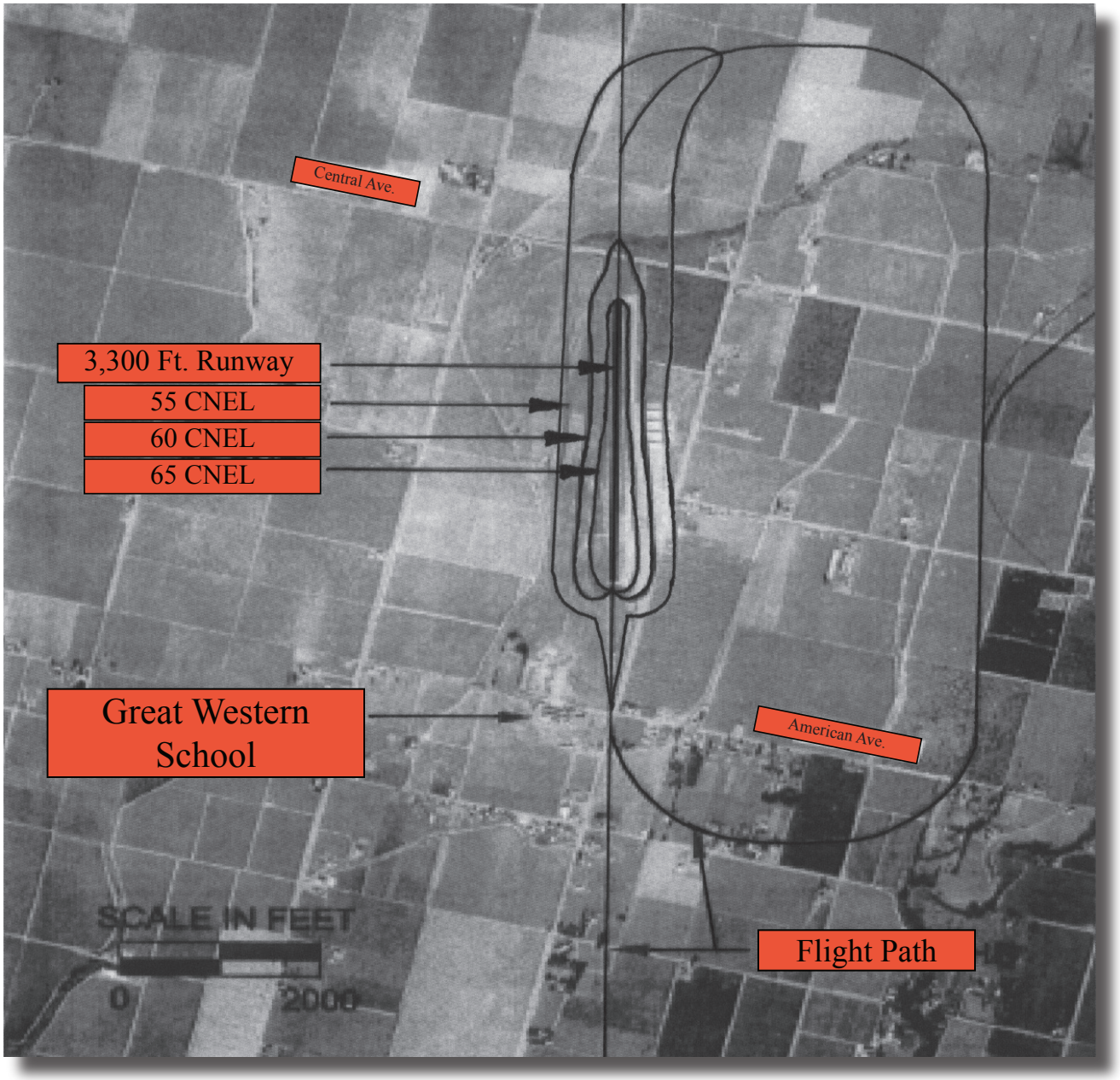


Exhibit 7
2020 Noise Exposure Contours
Reedley Municipal Airport

4.2 Airspace Protection Policies

1. No structure, tree, or other object shall be permitted to exceed the height limits established in accordance with Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR), Part 77, *Objects Affecting Navigable Airspace*, Subpart C, "Obstruction Standards." This criterion applies unless, in the case of a proposed object or growing tree, one or more of the following apply:

   a. The object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation.

   b. The FAA has conducted an aeronautical study and either determined that the object would not result in a hazard to air navigation or made recommendations for the object.

   c. The object is otherwise duly or officially exempted from the requirements of FAR Part 77.

2. If an existing object exceeds the prescribed height limits at the time the Plan is adopted, marking and lighting may still be required.

3. No object shall be permitted to be erected which because of height or other factors would result in an increase in the minimum ceiling or visibility criteria for an existing or proposed instrument approach procedure.

4. An object which would be located beneath a horizontal or conical surface, as defined in FAR Part 77, Subpart C, and would be 35 feet or less in height above the ground (i.e., is within the height limits prescribed by most zoning districts codified within Fresno County) shall be considered conditionally acceptable even if it exceeds the prescribed FAR Part 77 height limit due to its geographical location. Proper marking and lighting may be conditions for acceptability.

5. The FAR Part 77 surfaces depicted on Exhibit 8, Approach and Runway Protection Zones, shall be used in conjunction with the above airspace policies to determine whether the height of an object is acceptable. Approach profiles and approach data are included on Exhibit 8.

4.3 Airport Safety Zone Policies

1. Six Airport Safety Zones, as recommended in the California Airport Land Use Planning Handbook (January 2002), are established for the Reedley Municipal Airport. They are depicted on Exhibit 9 and identified below:

   - Zone 1: Runway protection zone;
   - Zone 2: Inner approach/departure zone;
   - Zone 3: Inner turning zone;
   - Zone 4: Outer approach/departure zone;
   - Zone 5: Sideline zone; and
   - Zone 6: Traffic pattern zone

2. Land uses or land use characteristics which may affect safe air navigation or which, because of their nature and proximity to an airport, may pose high risks to the land users shall be avoided in the vicinity of an airport.

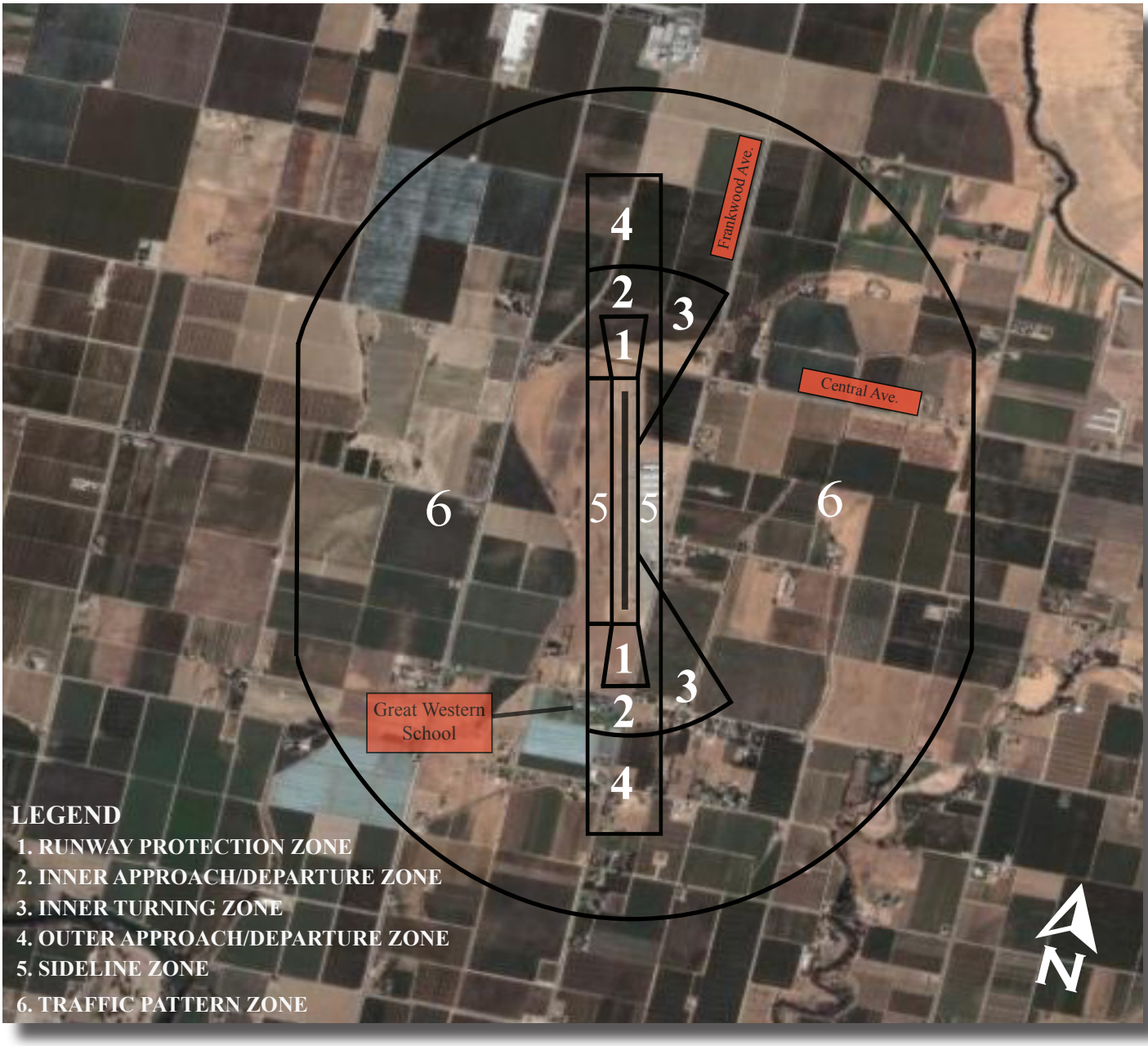
3. The criteria which shall be used to evaluate whether a land use is acceptable with respect to its airport proximity are set forth in Table 3. Relevant notes are included at the end of the table.

4. Land uses, which attract concentrations of birds, other hazardous wildlife, are a special concern. FAA Advisory Circular (AC) Number 150/5200-33A. Hazardous Wildlife Attractants On Or Near Airports, or its equivalent, shall be consulted and complied with to ensure proper separation between air operations and uses likely to attract wildlife. Where separation is not possible, a Wildlife Hazard Assessment (WHA) and Wildlife Hazard Management Plan (WHMP) may be employed under FAA supervision to reduce risk or the use should be discouraged.

5. Other Special Safety Concerns – Land uses that pose the following hazards shall be restricted from Zones 1 through 5, and allowed in Zone 6 only if it can be demonstrated through an FAA evaluation that the use does not interfere with flight operations or aviation communications:

   a. Visual Hazards – Visual hazards include distracting lights (particularly lights which can be confused with airfield lights), glare, and sources of smoke. Outdoor lights shall be shielded so that they do not aim above their horizontal plane.

   b. Electronic Hazards – Electronic hazards include any uses which interfere with aircraft instruments or radio communication.



0 2500 Ft 1 Mile

Exhibit 9
Safety Compatibility Zones
Reedley Municipal Airport

Table 3
AIRPORT LAND USE SAFETY COMPATIBILIITY CRITERIA[1,2]

Land Use Category	Safety Zone 1[3]	2	3	4	5	6
A. RESIDENTIAL[4]						
1. Single family	N	Y[5]	Y[5]	N	N	Y[7]
2. Two family	N	N	N	N	N	Y[7]
3. Multi-family dwelling	N	N	N	N	N	Y[7]
4. Group quarters	N	N	N	N	N	Y[7]
5. Residential hotels	N	N	N	N	N	Y[7]
6. Mobile home parks or courts	N	N	N	N	N	Y[7]
7. Transient lodging-hotels, motels	N	N	N	N	N	Y[7]
8. Other residential	N	N	N	Y[6]	N	Y[7]
B. INDUSTRIAL/MANUFACTURING[8]						
1. Food and kindred products	N	Y	Y	Y	Y	Y
2. Textile mill products	N	Y	Y	Y	Y	Y
3. Apparel	N	Y	Y	Y	Y	Y
4. Lumber and wood products	N	Y	Y	Y	Y	Y
5. Furniture and fixtures	N	Y	Y	Y	Y	Y
6. Paper and allied products	N	Y	Y	Y	Y	Y
7. Printing and publishing	N	Y	Y	Y	Y	Y
8. Chemicals and allied products	N	N	N	Y	Y	Y
9. Petroleum refining and related industries	N	N	N	N	Y	Y
10. Rubber and miscellaneous plastics	N	N	N	Y	Y	Y
11. Stone, clay and glass products	N	Y	Y	Y	Y	Y
12. Primary metal industries	N	Y	Y	Y	Y	Y
13. Fabricated metal products	N	Y	Y	Y	Y	Y
14. Miscellaneous manufacturing	N	Y	Y	Y	Y	Y
C. TRANSPORTATION, COMMUNICATIONS AND UTILITIES[8]						
1. Railroad, rapid rail transit	N	Y	Y	Y	Y	Y
2. Highway and street right of way	Y	Y	Y	Y	Y	Y
3. Vehicle parking lots	N	Y	Y	Y	Y	Y
4. Communications (noise sensitive)	N	Y	Y	Y	Y	Y
5. Utilities (underground)	Y	Y	Y	Y	Y	Y
6. Other transportation, communications and utilities	N	Y	Y	Y	Y	Y

Table 3 (Continued – Page 2)
AIRPORT LAND USE SAFETY COMPATIBILIITY CRITERIA[1,2]

Land Use Category	Safety Zone					
	1[3]	2	3	4	5	6
D. COMMERCIAL/RETAIL TRADE[8]						
1. Wholesale trade	N	Y	Y	Y	Y	Y
2. Building materials-retail	N	Y	Y	Y	Y	Y
3. General merchandise-retail	N	N	N	Y	Y	Y
4. Food retail	N	N	N	Y	Y	Y
5. Automotive	N	Y	Y	Y	Y	Y
6. Apparel and accessories-retail	N	N	N	Y	Y	Y
7. Eating and drinking places	N	N	N	Y	Y	Y
8. Furniture, home furnishing-retail	N	N	N	Y	Y	Y
9. Other retail trade	N	N	N	Y	Y	Y
E. PERSONAL AND BUSINESS SERVICES[8]						
1. Finance, insurance and real estate	N	Y	Y	Y	Y	Y
2. Personal services	N	Y	Y	Y	Y	Y
3. Business services	N	Y	Y	Y	Y	Y
4. Repair services	N	Y	Y	Y	Y	Y
5. Contract construction services	N	Y	Y	Y	Y	Y
6. Indoor recreation services	N	Y	Y	Y	Y	Y
7. Other services	N	Y	Y	Y	Y	Y

Table 3 (Continued – Page 3)
AIRPORT LAND USE SAFETY COMPATIBILIITY CRITERIA[1,2]

Land Use Category	Safety Zone 1[3]	2	3	4	5	6
F. PUBLIC AND QUASI-PUBLIC SERVICES[8]						
1. Government services	N	N	N	Y	N	Y
2. Education services	N	N	N	N	N	Y
3. Cultural activities including churches	N	N	N	N	N	Y
4. Medical and other health services	N	N	N	Y	N	Y
5. Cemeteries	N	Y	Y	Y	Y	Y
6. Non-profit organizations	N	N	N	Y	N	Y
7. Other public and quasi-public services	N	N	N	Y	N	Y
G. OUTDOOR RECREATION[8]						
1. Playgrounds, neighborhood parks	N	N	N	Y	Y	Y
2. Community and regional parks	N	N	N	Y	Y	Y
3. Nature exhibits	N	Y	Y	Y	Y	Y
4. Spectator sports including arenas	N	N	N	N	N	Y
5. Golf courses, riding stables	N	Y	Y	Y	Y	Y
6. Water-based recreational areas	N	N	N	Y	Y	Y
7. Resort and group camps	N	N	N	Y	Y	Y
8. Auditoriums, concert halls	N	N	N	N	N	Y
9. Outdoor amphitheaters, music halls	N	N	N	N	N	Y
10. Other outdoor recreation	N	Y	Y	Y	Y	Y

Table 3 (Continued – Page 4)
AIRPORT LAND USE SAFETY COMPATIBILITY CRITERIA[1,2]

Land Use Category	Safety Zone					
	1[3]	2	3	4	5	6
H. RESOURCE PRODUCTION, EXTRACTION, AND OPEN SPACE[8]						
1. Agriculture (except livestock)	Y[9]	Y[9]	Y[9]	Y[9]	Y[9]	Y[9]
2. Livestock farming, animal breeding	N	Y	Y	Y	Y	Y
3. Forestry activities	N	Y	Y	Y	Y	Y
4. Fishing activities and related services	N	Y	Y	Y	Y	Y
5. Mining activities	N	Y	Y	Y	Y	Y
6. Permanent open space	Y	Y	Y	Y	Y	Y
7. Water areas	Y[9]	Y[9]	Y[9]	Y[9]	Y[9]	Y[9]

Notes:

1. Y = Use is acceptable in safety zone indicated
2. N = Use is not acceptable in safety zone indicated
3. No structures of any kind are allowed in Safety Zone 1
4. No new residential lots shall be created in Safety Zones 1, 2, 3 and 5
5. Single family residential is a compatible land use only if the population density is less than 1 single family dwelling unit per 20 acres.
6. New residential lots created in Safety Zone 4 shall have a minimum lot size of 20 acres.
7. New residential land use density in Safety Zone 6 shall be regulated by the underlying general or specific plan.
8. Maximum allowable intensity of use for nonresidential land uses is expressed in total people per gross acre. The following maximum land use intensities for nonresidential uses are intended to represent the maximum number of people permitted at any one time under normal circumstances. Exceptions should be considered only for infrequent special events.

Safety Zone					
1	2	3	4	5	6
0[a]	10	60	60	80	150

   a. Exceptions can be permitted for agricultural activities, roads, and vehicular parking provided that FAA criteria are satisfied. Also see Note 9 with regard to agricultural activities.

9. Allowable if it can be shown that the use is not a wildlife attractant as defined by the most current edition of FAA Advisory Circular 150/5200-33A, *Hazardous Wildlife Attractants on or Near Airports*, or FAA Advisory Circular 150/5200-34, *Construction or Establishment of Landfills Near Public Airports*.

4.4 Avigation Easements

1. Except when overriding circumstances exist, a condition for approval of any residential subdivision or zoning change within the airport's Primary and Secondary Review Areas (See Exhibit 6) shall be the dedication of an avigation easement to the airport owner – the City of Reedley. The avigation easement shall contain the following:

    a) Right-of-flight at any altitude above acquired avigation easement surfaces
    b) Right to cause noise, vibrations, fumes, dust, and fuel particle emissions.
    c) Right-of-entry to remove, mark, or light any structures or growths above avigation easement surfaces.
    d) Right to prohibit creation of electrical interference, unusual light sources, smoke and other hazards to aircraft flight, including hazardous wildlife attraction.
    e) The right to prevent erection or growth of any object above acquired easement surfaces.

2. As a further condition for approval of a residential subdivision or zoning change within the airport's Primary and Secondary Review Areas, the local jurisdiction (Fresno County) shall, except where overriding circumstances exist (as determined by the Fresno County ALUC), require the property owners to agree to the following:

    a) That it is understood by the owners and owners' successors in interest that the operation of the airport and the landing and takeoff of aircraft may generate noise levels which may affect the habitability and quiet enjoyment of the property.
    b) That the owners covenant to accept and acknowledge the operation of the Reedley Municipal Airport.

3. The above easement and agreement shall be recorded in the office of the Fresno Clerk/County Recorder and shall run with the land and be binding upon the owners and subsequent owners of the property.

APPENDICES

A. State Laws Related to Airport Land Use Planning

B. Federal Aviation Regulations Part 77

C. Methods for Determining Concentrations of People

D. Sample Implementation Documents

E. General Plan Consistency Checklist

F. Blank (Intentionally)

G. Glossary

APPENDIX A

State Laws Related to Airport Land Use Planning

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(as of December 2004)

Public Utilities Code

Sections

21670 – 21679.5 Airport Land Use Commission A–3
(complete article)

21402 – 21403 Regulation of Aeronautics A–16
(excerpts pertaining to rights of aircraft flight)

21655, 21658, 21659 Regulation of Obstructions A–17
(excerpts)

21661.5, 21664.5 Regulation of Airports A–19
(excerpts pertaining to approval of new airports and airport expansion)

Government Code

Sections

65302.3 Authority for and Scope of General Plans A–20
(excerpts pertaining to general plans consistency with airport land use plans)

65943 – 65945.7 Application for Development Projects A–24
(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–27
(excerpts applicable to ALUCs)

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Sections

17215 School Facilities, General Provisions A–28
(excerpts pertaining to Department of Transportation review of elementary and secondary school sites)

81033 Community Colleges, School Sites A–30
(excerpts pertaining to Department of Transportation review of community college sites)

Public Resources Code

Sections

21096 California Environmental Quality Act, Airport Planning.....A–32
(excerpts pertaining to projects near airports)

Business and Professions Code

Sections

11010 Regulation of Real Estate Transactions, Subdivided Lands.....A–33
(excerpts regarding airport influence area disclosure requirements)

Civil Code

Sections

1103 – 1103.4 Disclosure of Natural Hazards upon Transfer of Residential Property.....A–34
1353 Common Interest Developments.....A–38
(excerpts regarding airport influence area disclosure requirements)

Legislative History Summary

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AERONAUTICS LAW

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

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 paragraphs (2) and (3) shall each be increased by one.

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

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

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

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

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

(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. Action by Designated Body Instead of Commission

(a) Notwithstanding any provisions of this article, if the board of supervisors and the city selection committee of mayors in any 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) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that the body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to 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 airport land use compatibility 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 airport land use compatibility plans.

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

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

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility 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 airport land use compatibility 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 airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airport Program (Chapter 4 (commencing with Section 4050) of Title 21 of the 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 airport land use compatibility 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 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. Application to Counties Having over 4 Million in 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 airport land use compatibility 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 airport 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.

21670.3 San Diego County

(a) Sections 21670 and 21670.1 do not apply to the county of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, is responsible for coordinating the airport planning of public agencies within the county and shall, on or before June 30, 2005, after reviewing the existing airport land use compatibility plan adopted pursuant to Section 21675, adopt an airport land use compatibility plan.

(b) Any airport land use compatibility plan developed pursuant to Section 21675 and adopted pursuant to Section 21675.1 by the San Diego Association of Governments shall remain in effect until June 30, 2005, unless the San Diego County Regional Airport Authority adopts a plan prior to that date pursuant to subdivision (a).

21670.4. Intercounty Airports

(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 the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under 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 do either of the following:

(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

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

(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 that 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 that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's 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 airport land use compatibility 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 airport land use compatibility 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 therefore 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 compatibility 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 airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements which should be included in the airport land use compatibility 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 that 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. Airport Land Use Planning Handbook

(a) An airport land use commission that formulates, adopts or amends an airport land use compatibility 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.

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by 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, to the extent that the criteria has been incorporated into the plan

prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission a established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

21675. Land Use Plan

(a) Each commission shall formulate an airport land use compatibility 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 airport land use compatibility 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, which reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility 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 airport land use compatibility 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 shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all the purpose specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The airport influence area 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 airport land use compatibility 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 airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county shall, adopt the airport land use compatibility plan on or before June 30, 1992.

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

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

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility 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 airport land use compatibility 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 is not liable 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 that 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 compatibility 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 airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any 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, propose to 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. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(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 airport land use compatibility 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 airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

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

21677. Marin County Override Provisions

Notwithstanding the two-thirds vote required by 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. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the 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, or 21677 overrules 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 overrule the commission's action or recommendation.

Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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 compatibility 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, that 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 that 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 that 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 compatibility 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 airport land use compatibility 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 compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility 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)

21402. Ownership; Prohibited Use of Airspace

The ownership of the space above the land and waters of this State is vested in the several owners of the surface beneath, subject to the right of flight; provided, that any use of property in conformity with an original zone of approach of an airport shall not be rendered unlawful by reason of a change in such zone of approach.

21403. Lawful Flight; Flight 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 Boundary

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. Hazards 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. City Council or Board of Supervisors and ALUC Approvals

(a) 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.

(b) A county board of supervisors or a city council may, pursuant to Section 65100 of the Government Code, delegate its responsibility under this section for the approval of plan for construction of new helicopter landing and takeoff areas, to the county or city planning agency.

21664.5. 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 runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/5300-13, 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 paragraph (1), (2), or (3).

(c) This section does 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; Nonconcurrence 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.

(d) In each county where an airport land use commission does not exist, but where there is a military airport, the general plan, and any applicable specific plan prepared pursuant to Article 8 (commencing with Section 65450), shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport.

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 72012 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 school site, 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)

17215.

(a) In order to promote the safety of pupils, comprehensive community planning, and greater educational usefulness of school sites before acquiring title to property for a new school site, 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 school site. 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 school site or an addition to a present school site, the governing board may not acquire title to the property. If the report does favor the acquisition of the property for a school site or an addition to a present school site, 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 expan-

sion 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.

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTES

PUBLIC RESOURCES CODE

Division 13—Environmental Quality

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.

BUSINESS AND PROFESSIONS CODE
Division 4—Real Estate
Part 2—Regulation of Transactions
Chapter 1—Subdivided Lands
Article 2—Investigation, Regulation and Report
(excerpts)

11010.

(a) Except as otherwise provided pursuant to subdivision (c)or elsewhere in this chapter, any person who intends to offer subdivided lands within this state for sale or lease shall file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire on a form prepared by the department.

(b) The notice of intention shall contain the following information about the subdivided lands and the proposed offering:

[Sub-Sections (1) through (11) omitted]

(12) (A) The location of all existing airports, and of all proposed airports shown on the general plan of any city or county, located within two statute miles of the subdivision. If the property is located within an airport influence area, the following statement shall be included in the notice of intention:

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(B) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

CIVIL CODE
Division 2—Property
Part 4—Acquisition of Property
Title 4—Transfer
Chapter 2—Transfer of Real Property
Article 1.7—Disclosure of Natural Hazards Upon Transfer of Residential Property
(excerpts)

1103.

(a) Except as provided in Section 1103.1, this article applies to any transfer by sale, exchange, installment land sale contract, as defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any real property described in subdivision (c), or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

(b) Except as provided in Section 1103.1, this article shall apply to a resale transaction entered into on or after January 1, 2000, for a manufactured home, as defined in Section 18007 of the Health and Safety Code, that is classified as personal property intended for use as a residence, or a mobilehome, as defined in Section 18008 of the Health and Safety Code, that is classified as personal property intended for use as a residence, if the real property on which the manufactured home or mobilehome is located is real property described in subdivision (c).

(c) This article shall apply to the transactions described in subdivisions (a) and (b) only if the transferor or his or her agent are required by one or more of the following to disclose the property's location within a hazard zone:

(1) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area if either:

(A) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.

(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(2) ... is located within an area of potential flooding ... shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding ...

(3) ... is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a very high fire hazard severity zone and is subject to the requirements of Section 51182 ...

(4) ... is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a delineated earthquake fault zone

(5) ... is located within a seismic hazard zone, designated pursuant to Section 2696 of the Public Resources Code ... shall disclose to any prospective transferee the fact that the property is located within a seismic hazard zone

(6) ... is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, shall disclose to any prospective transferee the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 ...

(d) Any waiver of the requirements of this article is void as against public policy.

1103.1.

(a) This article does not apply to the following transfers:

(1) Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by any foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.

(2) Transfers to a mortgagee by a mortgagor or successor in interest who is in default, transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by any foreclosure sale after default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, transfers by a sale under a power of sale or any foreclosure sale under a decree of foreclosure after default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale, or transfers by a mortgagee or a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a power of sale under a mortgage or deed of trust or a sale pursuant to a decree of foreclosure or has acquired the real property by a deed in lieu of foreclosure.

(3) Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

(4) Transfers from one coowner to one or more other coowners.

(5) Transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the transferors.

(6) Transfers between spouses resulting from a judgment of dissolution of marriage or of legal separation of the parties or from a property settlement agreement incidental to that judgment.

(7) Transfers by the Controller in the course of administering Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

(8) Transfers under Chapter 7 (commencing with Section 3691) or Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code.

(9) Transfers or exchanges to or from any governmental entity.

(b) Transfers not subject to this article may be subject to other disclosure requirements, including those under Sections 8589.3, 8589.4, and 51183.5 of the Government Code and Sections 2621.9, 2694, and 4136 of the Public Resources Code. In transfers not subject to this article, agents may make required disclosures in a separate writing.

1103.2.

(a) The disclosures required by this article are set forth in, and shall be made on a copy of, the following Natural Hazard Disclosure Statement: ...

(b) If an earthquake fault zone, seismic hazard zone, very high fire hazard severity zone, or wildland fire area map or accompanying information is not of sufficient accuracy or scale that a reasonable person can determine if the subject real property is included in a natural hazard area, the transferor or transferor's agent shall mark "Yes" on the Natural Hazard Disclosure Statement. The transferor or transferor's agent may mark "No" on the Natural Hazard Disclosure Statement if he or she attaches a report prepared pursuant to subdivision (c) of Section 1103.4 that verifies the property is not in the hazard zone. Nothing in this subdivision is intended to limit or abridge any existing duty of the transferor or the transferor's agents to exercise reasonable care in making a determination under this subdivision.

[Sub-Sections (c) through (g) omitted]

[Section 1103.3 omitted]

1103.4.

(a) Neither the transferor nor any listing or selling agent shall be liable for any error, inaccuracy, or omission of any information delivered pursuant to this article if the error, inaccuracy, or omission was not within the personal knowledge of the transferor or the listing or selling agent, and was based on information timely provided by public agencies or by other persons providing information as specified in subdivision (c) that is required to be disclosed pursuant to this article, and ordinary care was exercised in obtaining and transmitting the information.

(b) The delivery of any information required to be disclosed by this article to a prospective transferee by a public agency or other person providing information required to be disclosed pursuant to this article shall be deemed to comply with the requirements of this article and shall relieve the transferor or any listing or selling agent of any further duty under this article with respect to that item of information.

(c) The delivery of a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise, shall be sufficient compliance for application of the exemption provided by subdivision (a) if the information is provided to the prospective transferee pursuant to a request therefor, whether written or oral. In responding to that request, an expert may indicate, in writing, an understanding that the information provided will be used in fulfilling the requirements of Section 1103.2 and, if so, shall indicate the required disclosures, or parts thereof, to which the information being furnished is applicable. Where that statement is furnished, the expert shall not be responsible for any items of information, or parts thereof, other than those expressly set forth in the statement. In responding to the request, the expert shall determine whether the property is within

an airport influence area as defined in subdivision (b) of Section 11010 of the Business and Professions Code. If the property is within an airport influence area, the report shall contain the following statement:

> NOTICE OF AIRPORT IN VICINITY
>
> This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

[Remainder of Article 1.7 omitted]

CIVIL CODE
Division 2, Part 4
Title 6—Common Interest Developments
(excerpts)

1353.

(a) (1) A declaration, recorded on or after January 1, 1986, shall contain a legal description of the common interest development, and a statement that the common interest development is a community apartment project, condominium project, planned development, stock cooperative, or combination thereof. The declaration shall additionally set forth the name of the association and the restrictions on the use or enjoyment of any portion of the common interest development that are intended to be enforceable equitable servitudes. If the property is located within an airport influence area, a declaration, recorded after January 1, 2004, shall contain the following statement:

> NOTICE OF AIRPORT IN VICINITY
>
> This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

(2) For purposes of this section, an "airport influence area," also known as an "airport referral area," is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.

(3) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.

(b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.

LEGISLATIVE HISTORY SUMMARY

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

2001 Assembly Bill 93 (Wayne) Chapter 946, Statutes of 2001—Added Section 21670.3 regarding San Diego County Regional Airport Authority's responsibility for airport planning within San Diego County.

2002 Assembly Bill 3026 (Committee on Transportation) Chapter 438, Statutes of 2002—Changes the term "comprehensive land use plan" to "airport land use compatibility plan."

2002 Assembly Bill 2776 (Simitian) Chapter 496, Statutes of 2002—Requires information regarding the location of a property within an airport influence area be disclosed as part of certain real estate transactions effective January 1, 2004.

2002 Senate Bill 1468 (Knight) Chapter 971, Statutes of 2002—Changes ALUC preparation of airport land use compatibility plans for military airports from optional to required. Requires that the plans be consistent with the safety and noise standards in the Air Installation Compatible Use Zone for that airport. Requires that the general plan and any specific plans be consistent with these standards where there is military airport, but an airport land use commission does not exist.

2003 Assembly Bill 332 (Mullin) Chapter 351, Statutes of 2003—Clarifies that school districts and community college districts are subject to compatibility plans. Requires local public agencies to notify ALUC and Division of Aeronautics at least 45 days prior to deciding to overrule the ALUC.

2004 Senate Bill 1223 (Committee on Transportation), Chapter 615, Statutes of 2004—Technical revisions eliminating most remaining references to the term "comprehensive land use plan" and replacing it with "airport land use compatibility plan." Also replaces the terms "planning area" and "study area" with "airport influence area."

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," this 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.

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) 5 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 over crossings 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 therefore 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 over crossings 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.

(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 of 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.

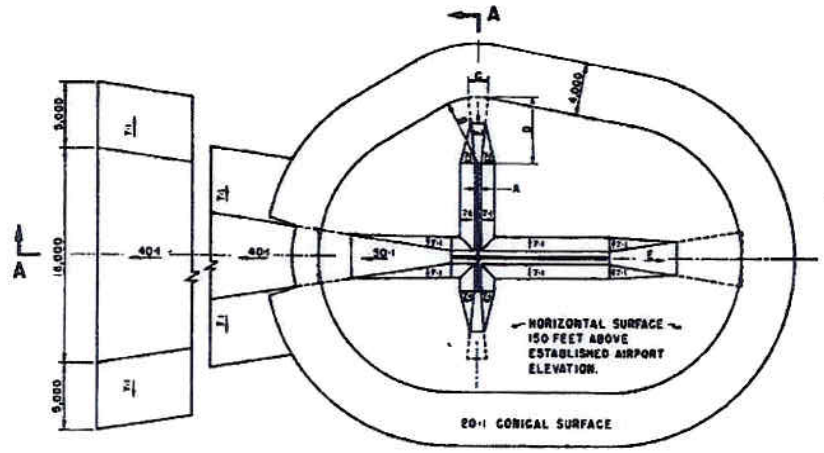
(c) The FAA official who issued the determination reviews each petition presented under paragraph (b) of this section, and revises, extends, or affirms the determination as indicated by his findings.

(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

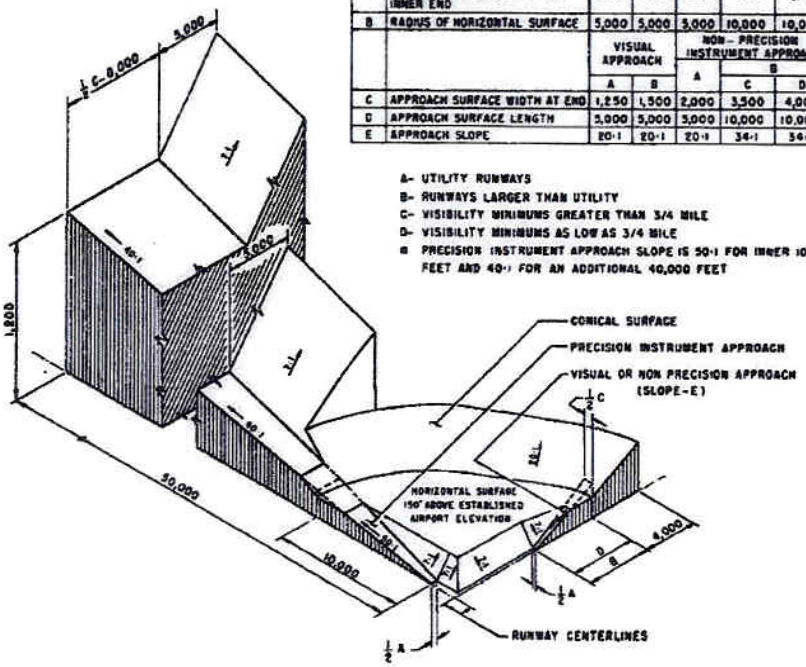
(2) The time necessary for the Commission to process the application except in a case where the Administrator determines a shorter effective period is required by the circumstances.

(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	B		
					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	5,000	5,000	5,000	10,000	10,000	10,000
		VISUAL APPROACH		NON-PRECISION INSTRUMENT APPROACH			PRECISION INSTRUMENT APPROACH
		A	B	A	B		
					C	D	
C	APPROACH SURFACE WIDTH AT END	1,250	1,500	2,000	3,500	4,000	16,000
D	APPROACH SURFACE LENGTH	5,000	5,000	5,000	10,000	10,000	a
E	APPROACH SLOPE	20:1	20:1	20:1	34:1	34:1	a

A- UTILITY RUNWAYS
B- RUNWAYS LARGER THAN UTILITY
C- VISIBILITY MINIMUMS GREATER THAN 3/4 MILE
D- VISIBILITY MINIMUMS AS LOW AS 3/4 MILE
a PRECISION INSTRUMENT APPROACH SLOPE IS 50:1 FOR INNER 10,000 FEET AND 40:1 FOR AN ADDITIONAL 40,000 FEET



ISOMETRIC VIEW OF SECTION A-A

§ 77.25 CIVIL AIRPORT IMAGINARY SURFACES

Source: Federal Aviation Regulations Part 77

Exhibit B1

FAR Part 77 Imaginary Surfaces

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing Of Your Notice

For FAA Use Only

Aeronautical Study Number

- - -

Notice of Proposed Construction or Alteration

1. Sponsor *(person, company, etc. proposing this action)*
Attn. of
Name:
Address:
City: State: Zip:
Telephone: Fax:

2. Sponsor's Representative *(if other than #1)*
Attn. of
Name:
Address:
City: State: Zip:
Telephone: Fax:

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing
4. Duration: ☐ Permanent ☐ Temporary (months. days)
5. Work Schedule: Beginning: End:
6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other
7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual – Red and Medium Intensity White
☐ White – Medium Intensity ☐ Dual – Red and High Intensity White
☐ White – High Intensity ☐ Other
8. FCC Antenna Structure Registration Number (if applicable)

9. Latitude: ° ' . "
10. Longitude: ° ' . "
11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other
12. Nearest: City: State:
13. Nearest Public-use (not private-use) or Military Airport or Heliport:
14. Distance from #13. to Structure:
15. Direction from #13. to Structure:
16. Site Elevation *(AMSL):* ft.
17. Total Structure Height *(AGL):* ft.
18. Overall height (#16. + #17.) *(AMSL):* ft.
19. Previous FAA Aeronautical Study Number (if applicable):
-OE
20. Description of Location: (Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C. Section 44718. Persons who knowingly and willfully violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., section 46301 (a).

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking and lighting standards as necessary.

Date	Typed or Printed Name and Title of Person Filing Notice	Signature

FAA Form 7460-1 (2-99) Supercedes Previous Edition

Exhibit B2

Part 77 Notification

FAA Form 7460

APPENDIX C

Methods for Determining Concentrations of People

One criterion used in the *Reedley 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 is 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. Depending upon the specific assumptions utilized, this methodology typically results in a number in the low end of the likely intensity for a given land use.
- **Maximum Occupancy**— The Uniform or California Building Code can be used as a standard for determining the maximum occupancy of certain uses. The chart provided as Table 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 various agencies have indicated that many retail and office uses are generally occupied at no more than 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. Even with this adjustment, the UBC-based methodology typically produces intensities at the high end of the likely range.
- **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.

Table C2 shows sample calculations.

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.

	Use	Minimum Square Feet per Occupant
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 Areas	3
4.	Assembly Areas, Less Concentrated Use	15
	Conference Rooms	
	Dining Rooms	
	Drinking Establishments	
	Exhibit Rooms	
	Gymnasiums	
	Lounges	
	Stages	
	Gaming	11
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	80
	Sleeping Rooms	120
	Treatment Rooms	240
15.	Hotels and Apartments	200
16.	Kitchen – Commercial	200
17.	Library Reading Room	50
	Stack Areas	100
18.	Locker Rooms	50
19.	Malls Varies	
20.	Manufacturing Areas	200
21.	Mechanical Equipment Room	300
22.	Nurseries for Children (Daycare)	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 Floors	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

Table C1

Occupancy Levels—California Building Code

Example 1

Proposed Development: Two office buildings, each two stories and containing 20,000 square feet of floor area per building. Site size is 3.0 net acres. Counting a portion of the adjacent road, the gross area of the site is 3.5± acres.

A. Calculation Based on Parking Space Requirements

For office uses, assume that a county or city parking ordinance requires 1 parking space for every 300 square feet of floor area. Data for the traffic studies or other sources can be used to estimate the average vehicle occupancy. For the purposes of this example, the number of people on the property is assumed to equal 1.5 times the number of parking spaces.

The average usage intensity would therefore be calculated as follows:

1) 40,000 sq. ft. floor area x 1.0 parking space per 300 sq. ft. = 134 required parking spaces

2) 134 parking spaces x 1.5 people per space = 200 people maximum on site

3) 200 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

Assuming that occupancy of each building is relatively equal throughout, but that there is some separation between the buildings and outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 20,000 sq. ft. bldg. ÷ 2 stories = 10,000 sq. ft. bldg. footprint

2) 10,000 sq. ft building footprint ÷ 43,560 sq. ft. per acre = 0.23 acre bldg. footprint

3) Building footprint <1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 100 people per single acre

B. Calculation Based on California Building Code

Using the CBC (Appendix C1) as the basis for estimating building occupancy yields the following results for the above example:

1) 40,000 sq. ft. bldg. ÷ 100 sq. ft./occupant = 400 people max. building occupancy (under CBC)

2) 400 people max. building occupancy x 50% adjustment = 200 people maximum on site

3) 200 people ÷ 3.5 acres gross site size = 57 people per acre average for the site

Conclusions: In this instance, both methodologies give the same results. For different uses and/or different assumptions, the two methodologies are likely to produce different numbers. In most such cases, the CBC methodology will indicate a higher intensity.

Table C2

Sample People-Per-Acre Calculations

Example 2

Proposed Development: Single-floor furniture store containing 24,000 square feet of floor area on a site of 1.7 net acres. Counting a portion of the adjacent road, the gross area of the site is 2.0 acres.

A. Calculation Based on Parking Space Requirements

Assume that local codes require 1 parking space per 1,500 square feet of use area for a furniture store. Next, assume 1.5 people per automobile for this type of use.

The average usage intensity would be:

1) 24,000 sq. ft. bldg. x 1.0 parking space per 1,500 sq. ft. = 16 required parking spaces

2) 16 parking spaces x 1.5 people per space = 24 people maximum on site

3) 24 people ÷ 2.0 acres gross site size = 12 people per acre average for the site

Again assuming a relatively balanced occupancy throughout the building and that outdoor uses are minimal, the usage intensity for a single acre would be estimated to be:

1) 24,000 sq. ft. bldg. footprint ÷ 43,560 sq. ft. per acre = 0.55 acre bldg. footprint

2) Building footprint < 1.0 acre; therefore maximum people in 1 acre = bldg. occupancy = 24 people per single acre

B. Calculation Based on California Building Code

For the purposes of the CBC-based methodology, the furniture store is assumed to consist of 50% retail sales floor (at 30 square feet per occupant) and 50% warehouse (at 500 square feet per occupant). Usage intensities would therefore be estimated as follows:

1) 12,000 sq. ft. retail floor area ÷ 30 sq. ft./occupant = 400 people max. occupancy in retail area

2) 12,000 sq. ft. warehouse floor area ÷ 500 sq. ft./occupant = 24 people max. occupancy in warehouse area

3) Maximum occupancy under CBC assumptions = 400 + 24 = 424 people

4) Assuming typical peak occupancy is 50% of CBC numbers = 212 people maximum expected at any one time

5) 212 people ÷ 2.0 acres = 106 people per acre average for the site

With respect to the single-acre intensity criteria, the entire building occupancy would again be within less than 1.0 acre, thus yielding the same intensity of 106 people per single acre.

Conclusions: In this instance, the two methods produce very different results. The occupancy area estimate of 30 square feet per person is undoubtedly low for a furniture store even after the 50% adjustment. On the other hand, the 12 people-per-acre estimate using the parking requirement methodology appears low, but is probably closer to being realistic. Unless better data is available from surveys of similar uses, this proposal should be considered compatible within *Zone B2* (100 people per average acre and 200 people per single acre) and potentially also compatible within *Zone B1* (25 people per average acre and 50 people per single acre).

Table C2, continued

APPENDIX **D**

Sample Implementation Documents

The responsibility for implementation of the policies set forth in the compatibility plans adopted by airport land use commissions rests largely with the affected local jurisdictions. This appendix contains samples of two types of implementation documents.

- **Avigation Easement**—Avigation easements transfer certain property rights from the owner of the underlying property to the owner of an airport. ALUCs may require avigation easement dedication as a condition for approval of development on property subject to high noise levels or a need to restrict heights of structures and trees to less than might ordinarily occur on the property. Also, airports may require avigation easements in conjunction with programs for noise insulation of existing structures in the airport vicinity. A sample of a standard avigation easement is included in Exhibit D-1.

- **Recorded Deed Notice**—Deed notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. Unlike easements, deed notices do not convey property rights from the property owner to the airport and do not restrict the height of objects. They only document the existence of certain conditions which affect the property—such as the proximity of the airport and common occurrence of aircraft overflights at or below the airport traffic pattern altitude. ALUCs may make recording of deed notices a requirement for project approval within portions of the airport influence area where avigation easements are not essential. Exhibit D-2 contains a sample of a deed notice.

An additional type of implementation document available to local jurisdictions is an airport combining zone ordinance. Possible components for such an ordinance are described in Chapter 5, Table 5B.

This indenture made this_____day of _____, 20___, between_____herein after referred to as Grantor, and the [Insert County or City name], a political subdivision in the State of California, hereinafter referred to as Grantee.

The Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to the Grantee, its successors and assigns, a perpetual and assignable easement over the following described parcel of land in which the Grantor holds a fee simple estate. The property which is subject to this easement is depicted as _____ on "Exhibit A" attached and is more particularly described as follows:

[Insert legal description of real property]

The easement applies to the Airspace above an imaginary plane over the real property. The plane is described as follows:

> The imaginary plane above the hereinbefore described real property, as such plane is defined by Part 77 of the Federal Aviation Regulations, and consists of a plane [describe approach, transition, or horizontal surface]; the elevation of said plane being based upon the _____ Airport official runway end elevation of _____ feet Above Mean Sea Level (AMSL), as determined by [Insert name and Date of Survey or Airport Layout Plan that determines the elevation] the approximate dimensions of which said plane are described and shown on Exhibit A attached hereto and incorporated herein by reference.

The aforesaid easement and right-of-way includes, but is not limited to:

(1) For the use and benefit of the public, the easement and continuing right to fly, or cause or permit the flight by any and all persons, or any aircraft, of any and all kinds now or hereafter known, in, through, across, or about any portion of the Airspace hereinabove described; and

(2) The easement and right to cause or create, or permit or allow to be caused or created within all space above the existing surface of the hereinabove described real property and any and all Airspace laterally adjacent to said real property, such noise, vibration, currents and other effects of air, illumination, and fuel consumption as may be inherent in, or may arise or occur from or during the operation of aircraft of any and all kinds, now or hereafter known or used, for navigation of or flight in air; and

(3) A continuing right to clear and keep clear from the Airspace any portions of buildings, structures, or improvements of any kinds, and of trees or other objects, including the right to remove or demolish those portions of such buildings, structures, improvements, trees, or other things which extend into or above said Airspace, and the right to cut to the ground level and remove, any trees which extend into or above the Airspace; and

(4) The right to mark and light, or cause or require to be marked or lighted, as obstructions to air navigation, any and all buildings, structures, or other improvements, and trees or other objects, which extend into or above the Airspace; and

(5) The right of ingress to, passage within, and egress from the hereinabove described real property, for the purposes described in subparagraphs (3) and (4) above at reasonable times and after reasonable notice.

EXHIBIT D-1

Typical Avigation Easement

For and on behalf of itself, its successors and assigns, the Grantor hereby covenants with the [Insert County or City name], for the direct benefit of the real property constituting the _____ Airport hereinafter described, that neither the Grantor, nor its successors in interest or assigns will construct, install, erect, place or grow in or upon the hereinabove described real property, nor will they permit to allow, any building structure, improvement, tree or other object which extends into or above the Airspace, or which constitutes an obstruction to air navigation, or which obstructs or interferes with the use of the easement and rights-of-way herein granted.

The easements and rights-of-way herein granted shall be deemed both appurtenant to and for the direct benefit of that real property which constitutes the _____ Airport, in the [Insert County or City name], State of California; and shall further be deemed in gross, being conveyed to the Grantee for the benefit of the Grantee and any and all members of the general public who may use said easement or right-of-way, in landing at, taking off from or operating such aircraft in or about the _____ Airport, or in otherwise flying through said Airspace.

Grantor, together with its successors in interest and assigns, hereby waives its right to legal action against Grantee, its successors, or assigns for monetary damages or other redress due to impacts, as described in Paragraph (2) of the granted rights of easement, associated with aircraft operations in the air or on the ground at the airport, including future increases in the volume or changes in location of said operations. Furthermore, Grantor, its successors, and assigns shall have no duty to avoid or mitigate such damages through physical modification of airport facilities or establishment or modification of aircraft operational procedures or restrictions. However, this waiver shall not apply if the airport role or character of its usage (as identified in an adopted airport master plan, for example) changes in a fundamental manner which could not reasonably have been anticipated at the time of the granting of this easement and which results in a substantial increase in the impacts associated with aircraft operations. Also, this grant of easement shall not operate to deprive the Grantor, its successors or assigns, of any rights which may from time to time have against any air carrier or private operator for negligent or unlawful operation of aircraft.

These covenants and agreements run with the land and are binding upon the heirs, administrators, executors, successors and assigns of the Grantor, and, for the purpose of this instrument, the real property firstly hereinabove described is the servient tenement and said _____ Airport is the dominant tenement.

DATED: _____

STATE OF)
ss
COUNTY OF)

On _____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

_____

Notary Public

EXHIBIT D-1 *CONTINUED*

A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the [Insert ALUC name] *Airport Land Use Compatibility Plan*. Such notice should be recorded by the county of [Insert County name]. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

> The [Insert ALUC name] *Airport Land Use Compatibility Plan* and [Insert County/City name] Ordinance (Ordinance No. _____) identify a [Insert Airport name] Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to protection of the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to [Insert County name] County population and economic growth. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

EXHIBIT D-2

Sample Deed Notice

APPENDIX E

General Plan Consistency Checklist

This checklist is intended to assist counties and cities with modifications necessary to make their general plans and other local policies consistent with the ALUC's compatibility plan. It is also designed to facilitate ALUC reviews of these local plans and policies. The list will need to be modified to reflect the policies of each individual ALUC and is not intended as a state requirement.

COMPATIBILITY CRITERIA

General Plan Document

The following items typically appear directly in a general plan document. Amendment of the general plan will be required if there are any conflicts with the compatibility plan.

□ **Land Use Map**—No direct conflicts should exist between proposed new land uses indicated on a general plan land use map and the ALUC land use compatibility criteria.

□ Residential densities (dwelling units per acre) should not exceed the set limits. Differences between gross and net densities and the potential for secondary dwellings on single parcels (see below) may need to be taken into account.

□ Proposed nonresidential development needs to be assessed with respect to applicable intensity limits (see below).

□ No new land uses of a type listed as specifically prohibited should be shown within affected areas.

□ **Noise Element**—General plan noise elements typically include criteria indicating the maximum noise exposure for which residential development is normally acceptable. This limit must be made consistent with the equivalent compatibility plan criteria. Note, however, that a general plan may establish a different limit with respect to aviation-related noise than for noise from other sources (this may be appropriate in that aviation-related noise is often judged to be more objectionable than other types of equally loud noises).

Zoning or Other Policy Documents

The following items need to be reflected either in the general plan or in a separate policy document such as a combining zone ordinance. If a separate policy document is adopted, modification of the general plan to achieve consistency with the compatibility plan may not be required. Modifications would normally be needed only to eliminate any conflicting language which may be present and to make reference to the separate policy document.

□ **Secondary Dwellings**—Detached secondary dwellings on the same parcel should be counted as additional swellings for the purposes of density calculations. This factor needs to be reflected in local policies either by adjusting the maximum allowable densities or by prohibiting secondary dwellings where their presence would conflict with the compatibility criteria.

□ **Intensity Limitations on Nonresidential Uses**—Local policies must be established to limit the usage intensities of commercial, industrial, and other nonresidential land uses. This can be done by duplication of the performance-oriented criteria—specifically, the number of people per acre-indicated in the compatibility plan. Alternatively, local jurisdictions may create a detailed list of land

uses which are allowable and/or not allowable within each compatibility zone. For certain land uses, such a list may need to include limits on building sizes, floor area ratios, habitable floors, and/or other design parameters with are equivalent to the usage intensity criteria.

□ **Identification of Prohibited Uses**—Compatibility plans may prohibit day care centers, hospitals, and certain other uses within much of each airport's influence area. The facilities often are permitted or conditionally permitted uses within many commercial or industrial land use designations. Policies need to be established which preclude these uses in accordance with the compatibility criteria.

APPENDIX F GENERAL PLAN CONSISTENCY CHECKLIST

F–2 *Riverside County Airport Land Use Compatibility Plan Policy Document (December 2004)*

Zoning or Other Policy Documents, Continued

□ **Open Land Requirements**—Compatibility plan requirements, if any, for assuring that a minimum amount of open land is preserved for the airport vicinity must be reflected in local policies. Normally, the locations which are intended to be maintained as open land would be identified on a map with the total acreage within each compatibility zone indicated. If some of the area included as open land is private property, then policies must be established which assure that the open land will continue to exist as the property develops. Policies specifying the required characteristics of eligible open land also must be established.

□ **Infill Development**—If a compatibility plan contains infill policies and a jurisdiction wishes to take advantage of them, the lands which meet the qualifications must be shown on a map.

□ **Height Limitations and Other Hazards to Flight**—To protect the airport airspace, limitations must be set on the height of structures and other objects near airports. These limitations are to be based upon Part 77 of the Federal Aviation Regulations, but may include exceptions for objects on high terrain if provided for in the compatibility plan. Restrictions also must be established on other land use characteristics which can cause hazards to flight (specifically, visual or electronic interference with navigation and uses which attract birds). Note that many jurisdictions have already adopted an airportrelated hazard and height limit zoning ordinance which, if up to date, will satisfy this consistency requirement.

□ **Noise Insulation Requirements**—Some compatibility plans call for certain buildings proposed for construction within high noise-impact areas to demonstrate that they will contain sufficient sound insulation to reduce aircraftrelated noise to an acceptable level. These criteria apply to new residences, schools, and certain other buildings containing noise-sensitive uses. Local policies must include parallel criteria.

□ **Buyer Awareness Measures**—As a condition for approval of development within certain compatibility zones, some compatibility plans require either dedication of an avigation easement to the airport proprietor or placement on deeds of a notice regarding airport impacts. If so, local jurisdiction policies must contain similar requirements. Compatibility plans also may encourage, but should not require, local jurisdictions to adopt a policy

stating that airport proximity and the potential for aircraft
overflights be disclosed as part of real estate transactions
regarding property in the airport influence area.

□ **Nonconforming Uses and Reconstruction**—Local jurisdiction
policies regarding nonconforming uses and reconstruction must be equivalent to or more restrictive
than those in the compatibility plan, if any.

REVIEW PROCEDURES

In addition to incorporation of ALUC compatibility criteria,
local jurisdiction implementing documents must specify the
manner in whish development proposals will be reviewed for
consistency with the compatibility criteria.

□ **Actions Always Required to be Submitted for ALUC Review**—State law specifies which types of development
actions must be submitted for airport land use commission review. Local policies should either list
these actions or, at a minimum, note the jurisdiction's intent
to comply with the state statute.

□ **Other Land Use Actions Potentially Subject to ALUC Review**—In addition to the above actions, compatibility
plan may identify certain major land use actions for
which referral to the ALUC is dependent upon agreement
between the jurisdiction and the ALUC. If the jurisdiction
fully complies with all of the items in this general plan consistency check list or has taken the necessary
steps to overrule the ALUC, then referral of the additional
actions is voluntary. On the other hand, a jurisdiction
may elect not to incorporate all of the necessary compatibility
criteria and review procedures into its own policies.
In this case, referral of major land use actions to the ALUC is mandatory. Local policies should indicate
the jurisdiction's intentions in this regard.

□ **Process for Compatibility Reviews by Local Jurisdictions**—
If a jurisdiction chooses to submit only the mandatory
actions for ALUC review, then it must establish a policy indicating the procedures which will be used to
assure that airport compatibility criteria are addressed
during review of other projects. Possibilities include: a
standard review procedure checklist which includes reference
to compatibility criteria; use of a geographic information
system to identify all parcels within the airport influence area; etc.

□ **Variance Procedures**—Local procedures for granting of
variances to the zoning ordinance must make certain
that any such variances do not result in a conflict with
the compatibility criteria. Any variance which involves
issues of noise, safety, airspace protection, or overflight
compatibility as addressed in the compatibility plan must
be referred to the ALUC for review.

□ **Enforcement**—Policies must be established to assure
compliance with compatibility criteria during the lifetime
of the development. Enforcement procedures are especially
necessary with regard to limitations on usage intensities
and the heights of trees. An airport combining district zoning ordinance is one means of implementing
enforcement requirements.

Source: California Airport Land Use Planning Handbook (January 2002)

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Appendix G
GLOSSARY

Glossary of Terms

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 air craft, a person (occupant or no occupant) 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.
n 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 nor 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 Influence Area: The area in which current or future airport-related noise, overflight, safety, and/or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. In most circumstances, the airport influence area is designated by the ALUC as its *planning area boundary* for the airport and the two terms can be considered synonymous.
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, Division of Aeronautics classifies airports into the following categories. (CCR)
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 used for the landing and taking off of EMS helicopters that is located at or as near as practical to a medical emergency or at or near a medical facility and (1) has been designated an EMS landing site by an officer authorized by a public safety agency, as defined in PUC Section 21662.1, using criteria that the public safety agency has determined is reasonable and prudent for the safe operation of EMS helicopters and (2) is used, over any twelve month period, for no more than an average of six landings per month with a patient or patients on the helicopter, except to allow for adequate medical response to a mass casualty event even if that response causes the site to be used beyond these limits, and (3) is not marked as a permitted heliport as described in Section 3554 of these regulations and (4) is used only for emergency medical purposes.

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 occasional invited guests.
Public-Use Airport: An airport that is open for aircraft operations to the general public and is listed in the current edition of the *Airport/Facility Directory* that is published by the National Ocean Service of the U.S. Department of Commerce.
Seaplane Landing Site: An area of water used, or intended for use, for landing and takeoff 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 service operations, and/or personal use.
Temporary Helicopter Landing Site: A site, other than an emergency medical service landing site at or near a medical facility, which is used for landing and taking off of helicopters and
(1) is used or intended to be used for less than one year, except for recurrent annual events, and
(2) is not marked or lighted to be distinguishable as a heliport and
(3) is not used exclusively for helicopter operations.
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 avigation 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)
Aviation-Related Use: Any facility or activity directly associated with the air transportation of persons or cargo or the operation, storage, or maintenance of aircraft at an airport or heliport. Such uses specifically include runways, taxiways, and their associated protected areas defined by the Federal Aviation Administra-tion, together with aircraft aprons, hangars, fixed base operations facilities, terminal buildings, etc.
Avigation Easement: A type of easement which typically conveys the following rights:
A right-of-way for free and unobstructed passage of aircraft through the airspace over the property at any altitude above a surface specified in the easement (usually set in accordance with FAR Part 77 criteria).
A right to subject the property to noise, vibrations, fumes, dust, and fuel particle emissions associated with normal airport activity.
A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.
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.
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 tie down. (CCR)
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)

GLOSSARY OF TERMS

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 Ldn.

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* (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 subdivision map. As used in airport land use planning, a deed notice would state that the property is subject to aircraft over flights. Deed notices are used as a form of buyer notification as a means of ensuring that those who are particularly sensitive to aircraft over flights can avoid moving to the affected areas.

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 (Leq): The levels of constant sound which, in the given situation and time period, have 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 sub conclusions 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 tie down 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)

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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 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 non-precision 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 facility used for operating, basing, housing, and maintaining helicopters. (HAI)
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 *Non-precision 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 non-precision 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.
Land Use Density: A measure of the concentration of land use development in an area. Mostly the term is used with respect to residential development and refers to the number of dwelling units per acre. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acre age.
Land Use Intensity: A measure of the concentration of nonresidential land use development in an area. For the purposes of airport land use planning, the term indicates the number of people per acre attracted by the land use. Unless otherwise noted, policies in this compatibility plan refer to *gross* rather than *net* acreage.
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)

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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 (NLR): 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.
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*.
Project: Include the adoption of and the amendment to general and specific plans, zoning ordinances, building regulation, and airport master plans.
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. Also see *Airport Influence Area.*
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 over flight.
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 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. (CCR)
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.

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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 Fifth 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, non-precision 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.