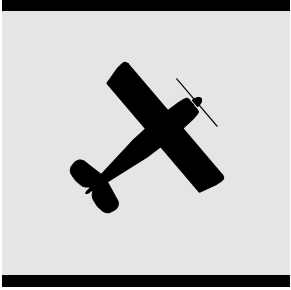
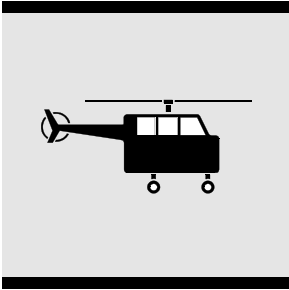


AIRPORT LAND USE COMMISSION PLAN



ADOPTED
AUGUST 3, 1978

AS AMENDED
MAY 20, 2004

AIRPORT LAND COMMISSION PLAN

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BACKGROUND

The law governing creation, composition, powers, and duties of Airport Land Use Commissions is generally set forth in Article 3.5, Chapter 4 of the State Aeronautics Act Sections, 21670 through 21676 of the Public Utilities Code¹.

Section 21670 creates Airport Land Use Commissions (ALUC) in counties having at least one airport operated for the benefit of the general public and served by an air carrier certified by the Public Utilities Commission or the Civil Aeronautics Board, and authorizes the ALUC to study and make recommendations upon height restrictions of buildings near airports and for the use of land surrounding airports. The Airport Land Use Commission is basically an advisory body to jurisdictions having the power to plan and zone.

The Stanislaus County Planning Commission was appointed to act as the Stanislaus County Airport Land Use Commission on December 1, 1970, by the City-County Committee and the Board of Supervisors at a joint meeting. Since that time, little in the way of airport planning has been accomplished by the Commission. The primary reason for this inactivity has been the lack of published technical information outlining the requirements and operations of air facilities under its jurisdiction. Publications that will aid the Commission are the recently completed Modesto City-County Airport Master Plan and Air Installations Compatible Use Zones Study for the Crows Landing Naval Auxiliary Landing Field and the Oakdale Municipal Airport Study. These plans and studies define noise contours and clear zones which are essential pieces of information needed for the ALUC to function in a responsible manner.

POWERS AND DUTIES

The specific duties and powers of the ALUC include the following:

1. To study and make recommendations concerning the need for height restrictions on buildings and structures near airports.
2. To make recommendations for the use of land surrounding airports to assure the long-term safety of air navigation and the promotion of air commerce.
3. To hold hearings and make findings of fact which would only be advisory to an involved jurisdiction.
4. To establish procedures for the fair and orderly conduct of such hearings.
5. To achieve, by zoning, compatible land uses in the vicinity of all new airports and in the vicinity of existing airports.

The duties and powers of the ALUC are strictly advisory. The ALUC, being separate of any governmental jurisdiction, is in a neutral position to recommend to cities and the county the most compatible types of land uses near an air facility which will not threaten the safe operation of an airport or create hazards endangering public safety. Although the fifth duty and power states the ALUC has the power "to achieve by zoning compatible land uses in the vicinity of existing airports...", it can be assumed the intent is for the ALUC to advise the involved jurisdiction of the most compatible type of zoning. In addition, no provisions are found in the law that would enable the ALUC to hold hearings to zone land.

¹ Article 3.5, Chapter 4 of the State Aeronautic Act, Sections 21670 through 21676 of the Public Utilities Code is reprinted in its entirety as an appendix to this Report.

In conjunction with the above authorized powers and duties, the Commission is charged with the responsibility of developing and maintaining "a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport and safeguarding the general welfare of the inhabitants within the vicinity of the airport and the public in general." This land use plan should reflect the Commission's feelings for safest and best use of lands surrounding airports, which may or may not be consistent with another jurisdiction's plan. The plan should establish height restrictions for buildings and make recommendations for building standards for soundproofing adjacent to airports.

JURISDICTION

Before the Commission can adopt land use plans in the vicinity of airports, it must: 1) identify airports within its jurisdiction; and, 2) establish land use planning boundaries for these airports. The law specifically defines the types of airports which the Commission should plan for; these include public and privately owned airports serving the public and military air installations. As an additional component of the land use plan, the Commission is directed to establish a land use planning boundary. It should also be mentioned that the powers granted ALUC in no way are contrived to give the Commission jurisdiction over the operation of any airport. The land use planning boundary establishes the area in which the ALUC has the "jurisdiction" to advise and plan for.

As defined by State law, the following publicly and privately owned airports are within the Airport Land Use Commission's jurisdiction: Modesto City-County Airport (Harry Sham Field), Oakdale Municipal Airport, Patterson Airport, and Turlock Airpark. The area surrounding the Crows Landing Naval Air Facility is also under ALUC jurisdiction. These previously mentioned airports are the facilities which the Commission must: 1) establish airport land use planning boundaries; 2) develop airport land use plans within these boundaries; 3) recommend compatible land use within these boundaries and advise the appropriate jurisdictions on implementation; and, 4) make recommendations for height restrictions and building standards for soundproofing within the planning boundary.

PLANNING AREA BOUNDARIES

The Airport Land Use Commission Planning Area boundaries are described and illustrated in the following text:

MODESTO CITY-COUNTY AIRPORT (HARRY SHAM FIELD)

The planning boundary for the Modesto City-County Airport is illustrated on page 4. The planning area boundary depicted essentially conforms to the outer boundaries of the Modesto City-County Airport Approach and Clear Zone Plan. This plan establishes imaginary surfaces which define safe flying altitudes for aircraft and prevents obstructions to navigation, such as towers, trees, utility poles, etc., from posing hazards to air traffic. The height of towers, trees and other natural or man-made obstructions must remain below the altitude of the imaginary surface. Air traffic should remain above the imaginary surface. In addition to the height limitations defined with this boundary, the 60, 65, and 70 Community Noise Equivalent Level (CNEL) contours are shown for reference and are situated entirely within this boundary. These contours are significant due to restrictions placed on new construction other than single family detached units within these contours².

² California Administrative Code, Title 24, Part 6, Division T25, Chapter 1, Subchapter 1, Article 4.

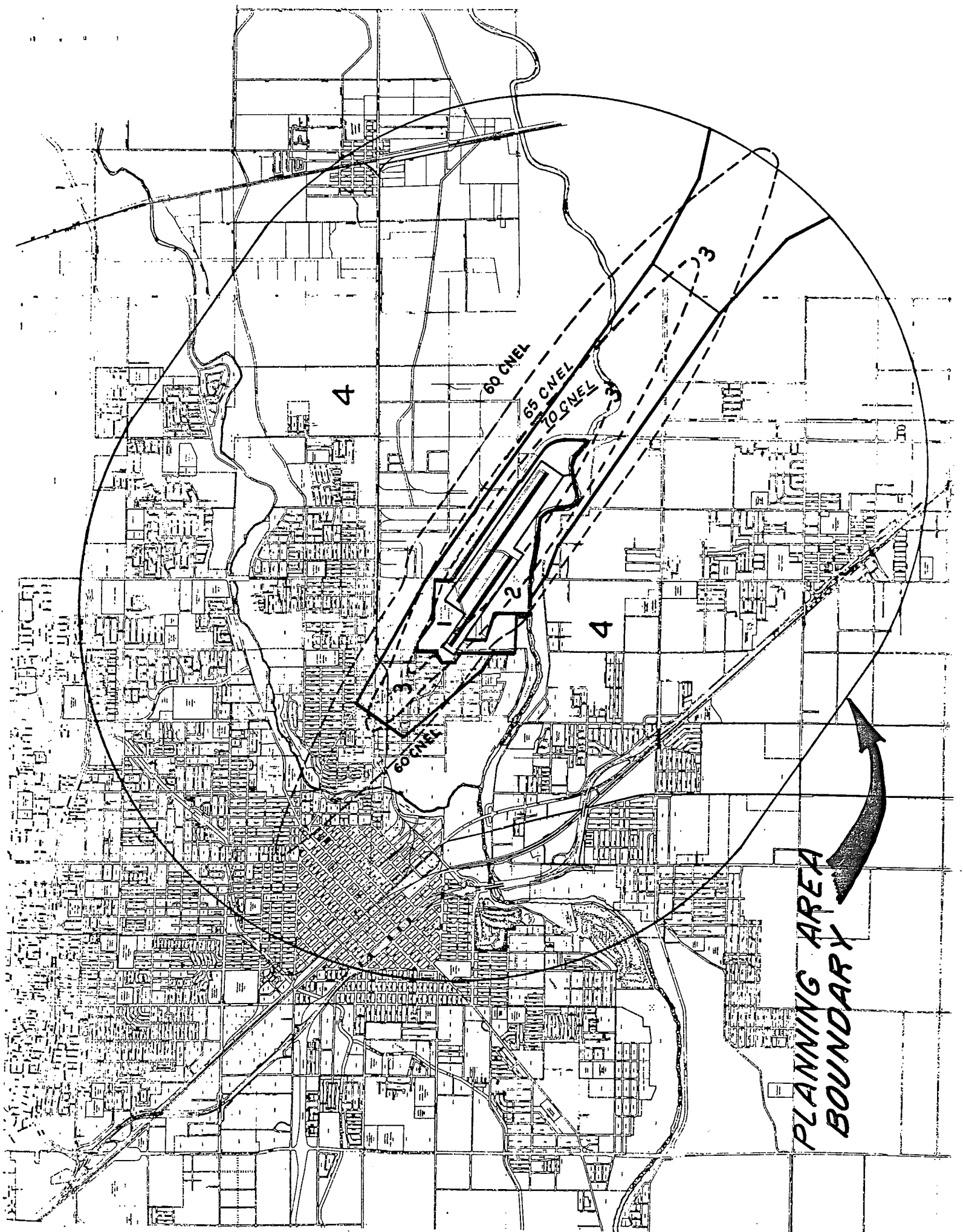
OAKDALE MUNICIPAL AIRPORT, PATTERSON AIRPORT, TURLOCK AIRPARK

The planning boundary for these airports are indicated on the maps found on pages 5, 6, and 7. The planning boundaries conform to the Federal Aviation Administration's Regulations Part 77, "Objects Affecting Navigable Airspace." The area within these boundaries include the imaginary surfaces established by the FAA regulations to define safe flying altitudes for aircraft and to prevent obstructions to navigation. The height of towers, trees and other natural or man-made obstructions should remain below the altitude of the imaginary surfaces. Likewise, air traffic should remain above these imaginary surfaces. In addition to the height limitations defined within these boundaries, any noise conflicts, as defined by law, will lie within these boundaries.

CROWS LANDING NAVAL AUXILIARY LANDING FIELD

The planning boundary for the Crows Landing NALF is depicted on the map on page 8. The basis for the planning boundary is the area designated as the "practical environmental capacity" as described in the [Air Installation Compatible Use Zones Study, NALF Crows Landing](#). For purposes of definition, the outer boundary has been adjusted from a nebulous form to definable line utilizing landmarks such as roads, canals, property lines, etc.

The "practical environmental capacity" represents, to the best of the Navy's knowledge, the area that would be affected if operations were expanded to the limits of the compatible uses surrounding the existing facilities. Factors determining the "practical environmental capacity" are existing and potential noise and crash hazards and the limits of the existing compatible uses surrounding the facility. The Navy has determined agricultural uses are compatible with the type of facility at Crows Landing.



4

60 CNEEL

65 CNEEL
LO CNEEL

3

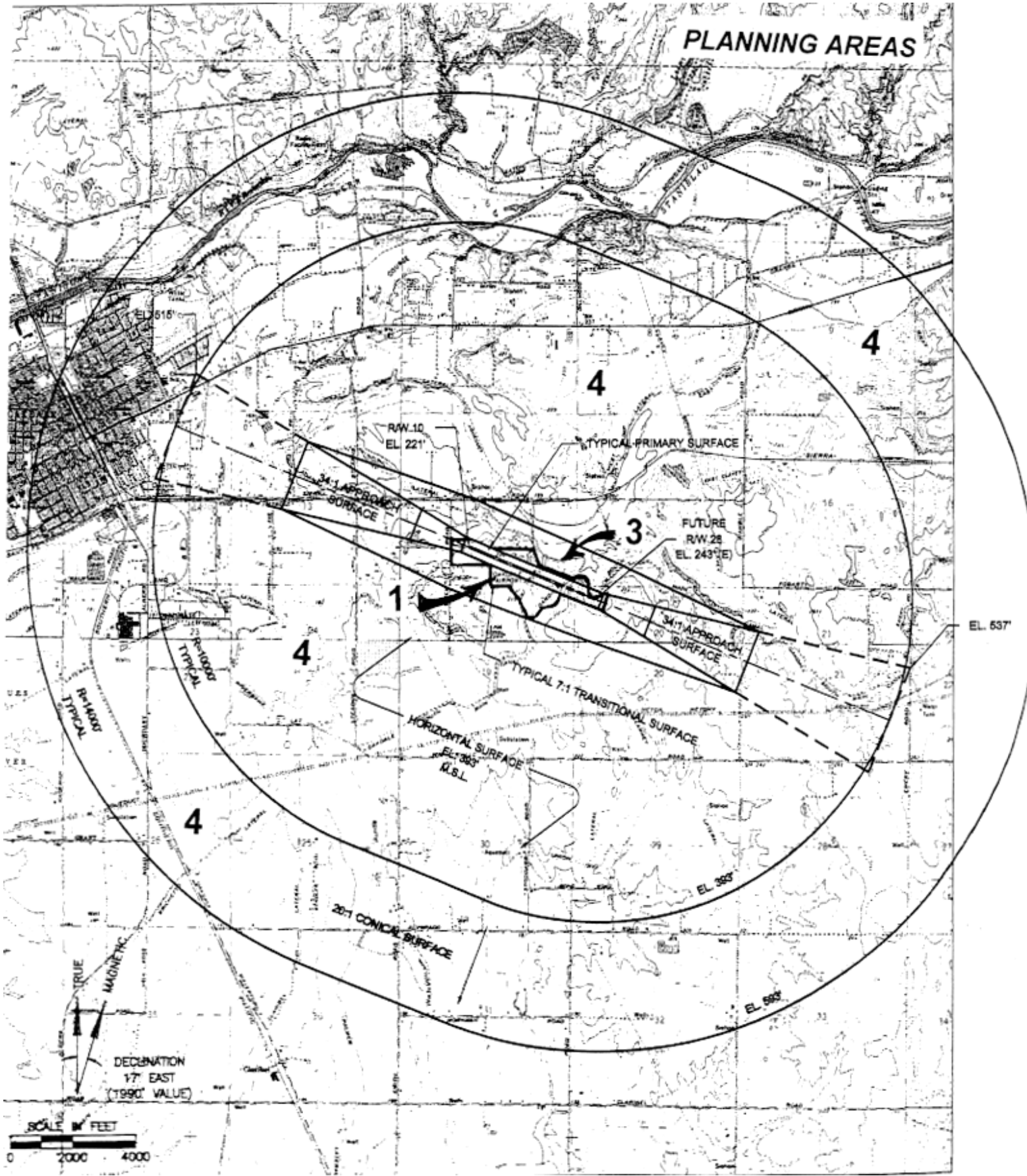
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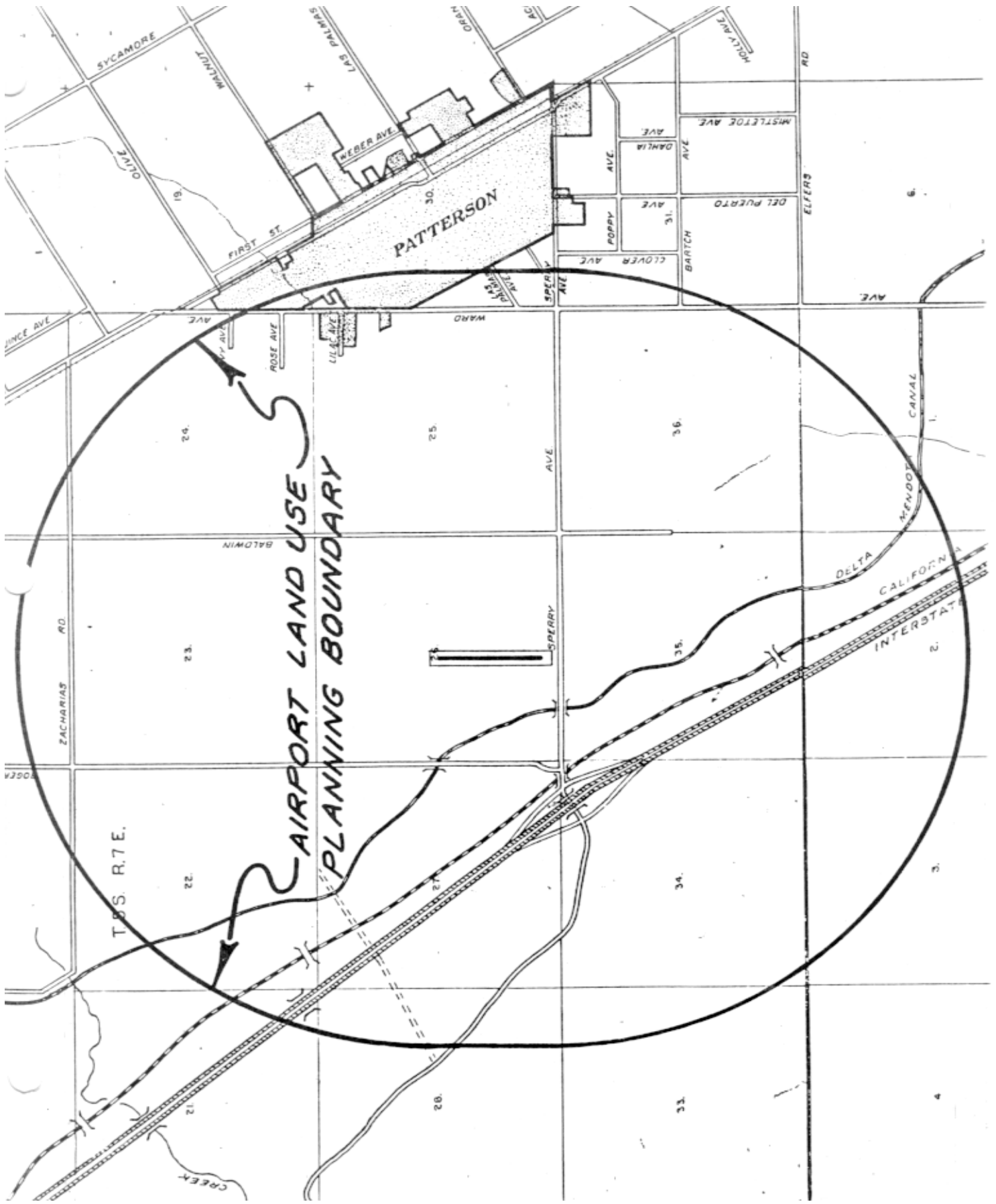
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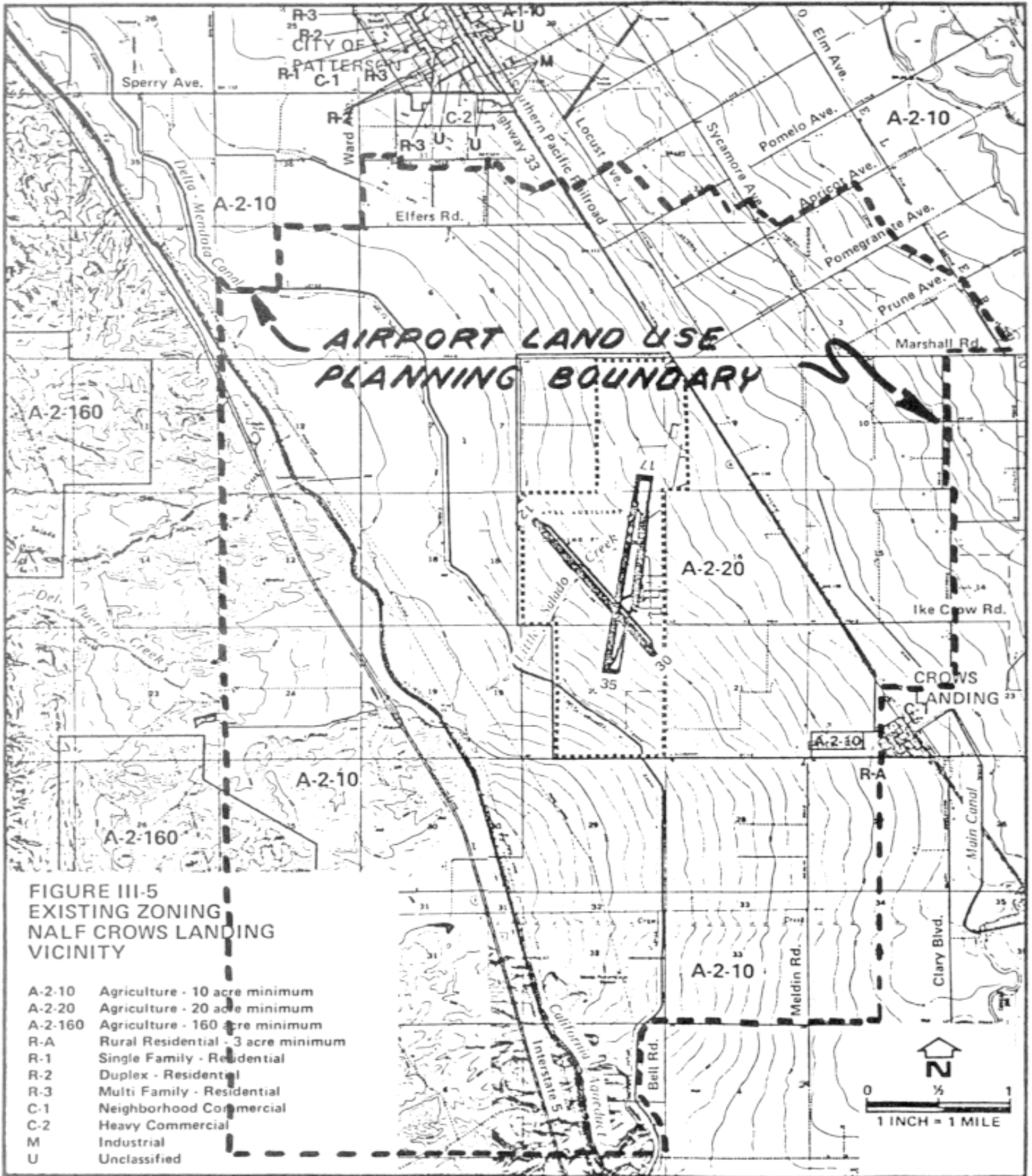
60 CNEEL

PLANNING AREA
BOUNDARY

PLANNING AREAS







HALF CROWS LANDING

AIRPORT LAND USE PLAN

This plan will consist of identification of existing and potential land use conflicts within the established planning area boundaries, a land use compatibility listing, a section on implementation and a policies plan. The land use compatibility listing will act as an aid towards identifying compatible uses within the airport planning area. The implementation section will describe the procedure for reviewing applications within the airport planning boundary and list possible conditions for conditional uses. The policies plan will aid the ALUC in making decisions concerning proposed uses within the planning area based on compatibility. Furthermore, the plan will develop policies for mitigating conflicts between the existing air facility and existing uses.

Identification of Existing and Potential Land Use Conflicts

MODESTO CITY-COUNTY AIRPORT (HARRY SHAM FIELD)

Within the planning area, there is a large area to the northwest of the airport where noise conflicts with existing land uses seem to be present. This area includes part of the City of Modesto, and lands within the jurisdiction of Stanislaus County. In addition, a small area of noise conflict with existing land uses is located south of the Tuolumne River on lands within the sphere of influence of the City of Ceres. Furthermore, there are large areas to the southeast of the airport where noise conflicts with potential land uses allowed under existing zoning seem to be present. These areas include part of the planned Tuolumne River Regional Park, and lands south of the Tuolumne River within the existing and projected urban service area of the City of Ceres. The City of Ceres has designated a portion of the latter area as agriculture; Stanislaus County has designated the same area as urban transition. The urban transition designation assumes the City of Ceres will annex and develop the land within the projected urban services area.

At present, a number of uses which concentrate large groups can be found in the area off the ends of the runways. Four churches are located under the Federal Aviation Part 77 approach surfaces. Within one mile of the ends of the runways under extended approach paths, there are two additional churches and one school, Wilson Elementary. A lower-risk area exists under extended approach paths one to two miles off the ends of the runways. Currently, the following facilities are located in this area: seven churches; two hospitals: Modesto Rehabilitation Hospital and Stanislaus County Health Services Agency; the County Main Library; and the Ralston Tower. In addition, the old Lincoln School site, is within two miles and has been proposed for additional elderly housing.

It is recommended Stanislaus County develop height and noise ordinances for the protection of current and future residents of the area. It is also recommended the cities of Modesto and Ceres and Stanislaus County review their respective General Plans for allowable existing and future uses in light of the conflicts mentioned above and develop plans which will allow for compatible densities and uses.

OAKDALE MUNICIPAL AIRPORT

The airport is located approximately two miles east of the current city boundaries of Oakdale. The site itself is owned by the City and constitutes an island of City property surrounded by land under County of Stanislaus jurisdiction. Land uses surrounding the airport are generally agricultural, with some rural residential uses. A few of these residential uses are located along Laughlin Road, the access road to the airport. An auto wrecking/scrap yard facility is located north of the airport along the north side of Sierra Road. The land surrounding the airport is currently zoned for agricultural uses.

Land uses outside the City of Oakdale boundaries consist primarily of agricultural uses and rural residences. In addition to farm residences as part of large agricultural tracts, there are rural ranchettes. Most adjacent lands are rural, consisting of grazing lands and, to a lesser degree, orchards and cultured fields.

Commercial uses are located in the central business district and along Yosemite Avenue and F Street, which intersect in the central business district. A majority of the industrial uses are located in the south section of the city, south of the railroad tracks, along Yosemite Avenue. Acreage of commercial and industrial land is relatively high (456 acres), due to the fact that Oakdale has two large industrial uses, Hershey Chocolate and Hunt-Wesson Foods.

The 1993 Oakdale General Plan designates the area north of the airport, north of Sierra Road, as one of three new residential development areas for the city. As well, the Plan proposes a commercial/office/conference area at the airport, between the airport site and Sierra road, along with a possible municipal golf course located generally west of the airport site, which could connect with the conference center.

Currently, noise and safety conflicts around the airport would be considered minimal. With the proposed 1,380 foot expansion of the runway to the east, the Oakdale Municipal Airport 1995-2015 Master Plan anticipates that charter aircraft, including helicopters, turbo props and turbine engine would use the airport. As a result, the Oakdale Airport Master Plan includes noise contours and related Land Use Compatibility Guidelines which should be consulted in reviewing land uses in the vicinity of the airport (see pages 44-46).

It is recommended the land uses surrounding the airport remain in an agricultural designation. In addition, lands which are underneath the airport approach patterns and extended approach patterns should remain and be encouraged to develop in a manner which will not concentrate larger groups of people.

PATTERSON AIRPORT

Within the planning area boundary of the privately owned Patterson airport, the majority of the land is designated and zoned agriculture. However, to the east of the airport is a portion of the proposed urban area of the Patterson General Plan. This could result in some problems in the future relating to density. The current designation is "urban reserve".

The area at the Sperry Road, Interstate 5 interchange is designated as "Planned Development" to serve the traveling public. It is important that any future development in the area take into consideration the height limitations established by the FAR Part 77 definition.

The only land use conflict surrounding the Patterson Airport is a 100' right-of-way south of the runway (Sperry Road). The present threshold of Runway 34 does not provide proper clearance over Sperry Road.

A potential conflict of air space could arise at the FAR Part 77 areas of Patterson Airport and the Crows Landing Naval Auxiliary Landing Field overlap. However, at this time, there is minimal conflict due to the types and flight patterns of aircraft utilizing both facilities.

It is recommended that lands surrounding the Patterson Airport remain in an "Agricultural" General Plan designation and Exclusive Agricultural (A-2) zoning to maintain the existing compatibility of surrounding uses. In addition, close monitoring of airplane landing and take-off patterns at the

Crows Landing Air Facility and Patterson Airport is recommended to ensure coordinated use of air space to promote air safety.

TURLOCK AIRPARK

Existing land use conflicts surrounding the Turlock Airpark consist of a road right-of-way, Greenway Avenue at the south end of the airport and Freeway 99 at the north end of the airport. Approximately one-third of the planning area is within the city limits of Turlock. Much of this area has been general planned and zoned for commercial, industrial, and low and medium density residential uses. The uses could pose some conflicts due to their close proximity to the airport runway. In addition, there are two schools in the approach patterns of the airport. These schools concentrate large numbers of small children and could also pose some problem to the airpark at a time in the future.

The County General Plan and zoning for the area is industrial, urban transition, and agricultural uses, with approximately one-half of the area within the "Agricultural" designation. It is recommended the "Agricultural" designation remain, as agricultural use tends to be the most compatible use surrounding an airport. It is also recommended the airport encourage the use of landing patterns which approach this airport from the south and patterns which take off towards the south, thereby avoiding the two schools and the existing medium and high density uses to the north.

CROWS LANDING NAVAL AUXILIARY LANDING FIELD

Lands surrounding Crows Landing Naval Auxiliary Landing Field fall entirely within the jurisdiction of Stanislaus County. Except for the area surrounding the Fink Road Interchange, which is designated for "Planned Development", the entire planning is general planned and zoned for "Agriculture".

The designation of "Planned Development" at the Fink Road Interchange could result in a conflict of air space. It is therefore recommended that any "planned development" application forwarded to the ALUC by the Stanislaus County Planning Department in turn be forwarded to the Navy for comment.

The potential for air space conflicts between the Patterson Airport and the Crows Landing NALF exists at this time. However, no air space conflicts exist at the moment as flight patterns are compatible, but cooperation and coordination will be needed to assure no problems will arise.

It is recommended that any use permit application, general plan change or zoning change which is forwarded to the ALUC by the Planning Commission in turn be forwarded to the Navy for comment. This procedure will be an aid in determining and maintaining compatibility between the surrounding uses and the air facility.

Airport Land Use Compatibility Listing

The Airport Land Use Compatibility list draws heavily from State and Federal guidelines relative to compatible land uses in proximity to airports. This listing will serve as a guide to the Airport Land Use Commission when determining if a particular type of proposed use will be compatible with the ALUC planning boundary. The concept of the list is one delineating distinctive land use areas within the planning area and indicating additional restraints relative to conventional land use regulations, the result of which would be to impose additional restraints to applicable General Plans

and zoning.

In some areas, such as approach and climb-out extensions, noise and hazard were the primary conditions. In other areas only noise was considered to be a relevant factor. This Airport Land Use Compatibility listing divides the planning area into four separate categories:

1. Airport Building Areas - includes the terminal area, fixed base operator buildings, hangers, tie-down areas, parking areas and areas planned for such future uses.
2. Other Airport Property - land owned by the airport but not in use nor planned for use as building areas.
3. Approach and Transitional Surfaces - that area under the approach and take-off extensions and transitional surfaces as defined by the flight paths in use at the airport and Federal regulations. This area is primarily concerned with safety, but, by virtue of its location, noise can be a consideration.
4. Other Land Within the Planning Area - lands within the planning areas with possible height and or noise problems envisioned in the future.

The following Airport Land Use Compatibility Listing, for land use areas on the Airport Land Use Compatibility Maps (found on pages 15 through 21) designates uses which are considered: (1) incompatible in a particular area (marked with an X); (2) compatible in a particular area (marked with an O); or, (3) conditionally compatible (marked with a C); where land could, with some conditions attached, be made a compatible land use. Where a C designation is given to a land use, the condition will be found on pages 24 through 29.

AIRPORT LAND USE COMPATIBILITY LISTING

<u>USES</u>	<u>AREAS</u>	<u>1.</u> AIRPORT BUILDING AREA	<u>2.</u> OTHER AIRPORT PROPERTY	<u>3.</u> APPROACH AND TRANSITIONAL SURFACES	<u>4.</u> OTHER LANDS WITHIN AIRPORT PLANNING BOUNDARY
<u>AGRICULTURAL USES</u>					
Truck and Specialty Crops		O	O	O	O
Field Crops		O	O	O	O
Pasture and Rangeland		O	O	O	O
Orchard and Vineyards		X	X	O	O
Dry Farm and Grain		O	O	O	O
Tree Farms, Landscape Nurseries and Greenhouses		O	O	C	O
Fish Farms		X	X	O	O
Feed Lots and Stockyards		X	X	O	O
Poultry Farms		X	X	C	O
Dairy Farms		X	X	C	O
<u>NATURAL USES</u>					
Fish and Game Reserves		X	X	O	O
Land Reserves and Open Space		O	O	O	O
Flood and Geological Hazard Areas		O	O	O	O
Waterways: Rivers, Creeks, Canals, Swamps, Bays, Lakes		O	O	O	O
<u>RESIDENTIAL & INSTITUTIONAL</u>					
Rural Residential - 10 acres or more		X	X	C	O
Suburban Residential - 20,000 sq. ft. to 10 acre lots		X	X	X	O
Urban Single Family - under 20,000 sq. ft. lots		X	X	X	O
Multi Family		X	X	X	O
Mobile Home Parks		X	X	X	O
Schools, Colleges and Universities		X	X	X	C
Hospitals		C	C	X	O
Churches		X	X	X	O
<u>RECREATIONAL</u>					
Golf Course		O	O	O	O
Parks		O	O	O	O
Playgrounds and Picnic Areas		O	O	O	O
Athletic Fields		X	X	X	O
Riding Stables and Trails		X	X	O	O
Marinas		O	O	O	O
Tennis Courts		O	O	O	O

O = COMPATIBLE

X = PROHIBITED

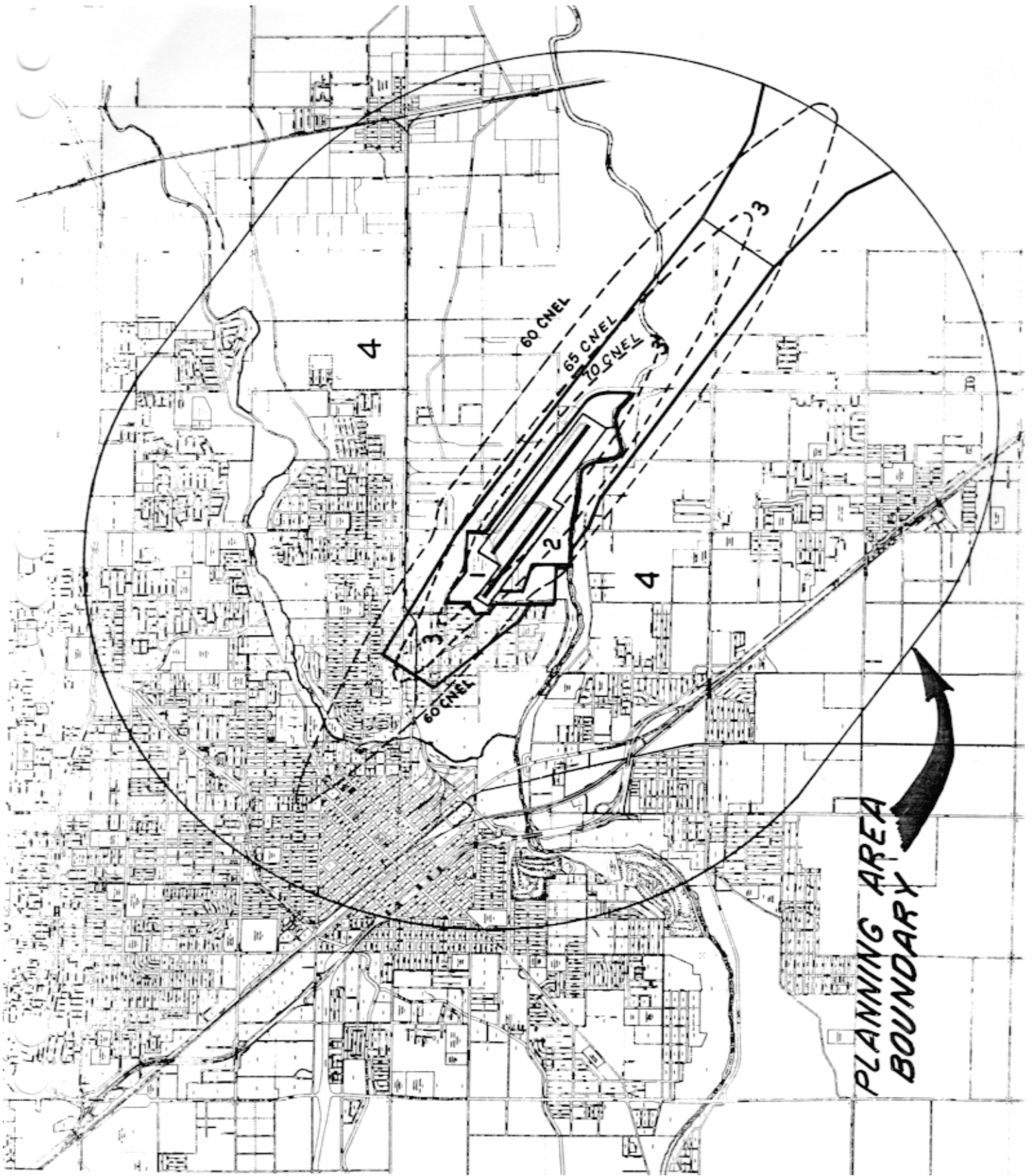
C = CONDITIONALLY APPROVABLE

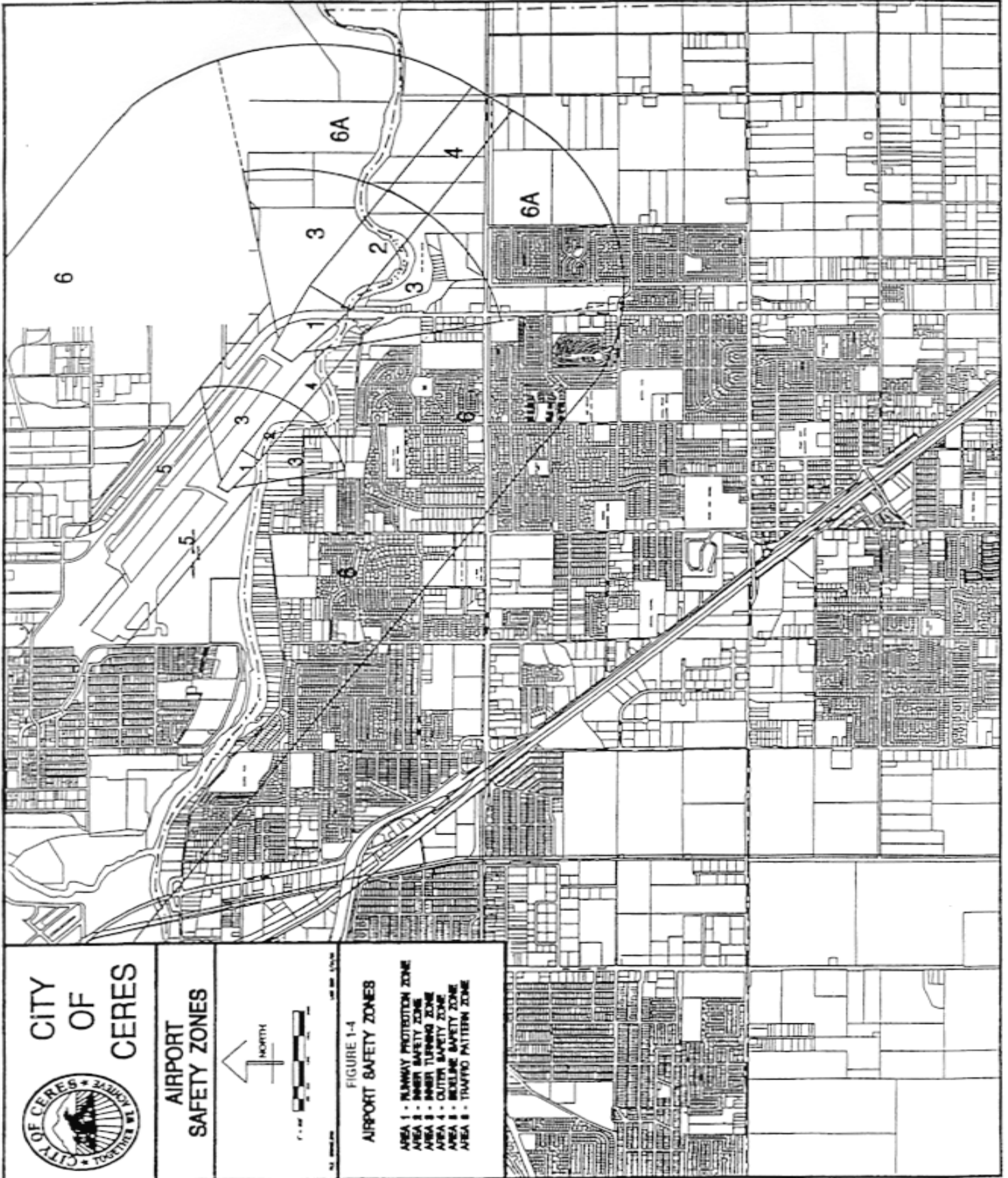
USES	AREAS	AREAS			
		1. AIRPORT BUILDING AREA	2. OTHER AIRPORT PROPERTY	3. APPROACH AND TRANSITIONAL SURFACES	4. OTHER LANDS WITHIN AIRPORT PLANNING BOUNDARY
Outdoor Theaters		X	X	X	O
Swimming Pools		O	O	O	O
Fairgrounds and Race Tracks		X	X	X	O
COMMERCIAL USES					
Aircraft Sales and Repairs		O	O	O	O
Flying Schools		C	C	C	O
Hotels and Motels		C	C	X	O
Shopping Centers		C	C	X	O
Banks		C	C	X	O
Gas Stations		C	C	X	O
Auto Storage and Parking		O	O	O	O
Office Buildings		C	C	C	O
Theaters and Auditoriums		X	X	X	O
Public Buildings		C	C	C	O
Taxi, Bus and Terminals		O	O	X	O
Memorial Parks		X	X	X	O
Pet Cemeteries		X	X	X	O
Restaurants and Food Take-Outs		C	C	C	O
Retail Stores		C	C	C	O
Truck Terminals		O	O	O	O
Other Service Uses		C	C	C	O
INDUSTRIAL					
Research Laboratories		C	C	C	O
Warehouses		O	O	O	O
Aircraft Factories		O	O	C	O
Air Freight Terminals		O	O	O	O
Non-air Related Manufacturing		C	C	C	O
Rail Sidings		O	O	O	O
Other Transportation Parks		O	O	O	O
Petroleum and Chemical Products					
Bulk Storage		C	C	C	O
UTILITIES					
Reservoirs		C	C	O	O
Water Treatment		C	C	O	O
Sewage Disposal		C	C	O	O
Petroleum and Chemical Products					
Bulk Storage		C	C	C	O
Electrical Plants		C	C	C	O
Power Lines		C	C	C	O

O = COMPATIBLE

X = PROHIBITED

C = CONDITIONALLY APPROVABLE





**RESIDENTIAL/NONRESIDENTIAL DEVELOPMENT STANDARDS
MODESTO CITY-COUNTY AIRPORT SAFETY ZONES**

No.	Airport Safety Zones (See Figure 1-4)	Residential Densities (max. du/gross ac)	Nonresidential Density/Intensity ^a (max. pop/ gross ac)	Gross Floor Area ^b / Population (gfa/pop)	Percentage Open Space (ave. %/ac)	Special Care Uses ^c	Flammable/ Hazardous Materials ^d
1	Runway Protection Zone	None	10	1,090	100	Prohibited	Prohibited
2	Inner Safety Zone (ISZ)	0.1 (or 1 du/10 ac)	40	270	50	Prohibited	Prohibited
3	Inner Turning Zone (ITZ)	2.0 (or 1 du/0.5 ac) ^e	100	108	20	Prohibited	Prohibited
4	Outer Safety Zone (OSZ)	0.4 (or 1 du/2.5 ac) ^f	100	108	15 ^g	Prohibited	Prohibited
5	Sideline Safety Zone (SSZ)	0.5 (or 1 du/0.5 ac)	60	180	30	Prohibited	Prohibited
6	Traffic Pattern Zone (TPZ)	6 ^h	150	70	10	Conditional	Permitted
6A	Traffic Pattern Zone (TPZ)	6 ^h	150	70	10	Prohibited	Prohibited

^a Structural occupancy only -- determined by Uniform Building Code standards; may be higher in a single location on the same property or properties if combined into a single development provided maximum not exceeded on a per acre basis.

^b Example of gross floor area using maximum population per acre assuming 25% site coverage.

^c Includes public and private schools, colleges, hospitals, nursing homes, and other similar uses

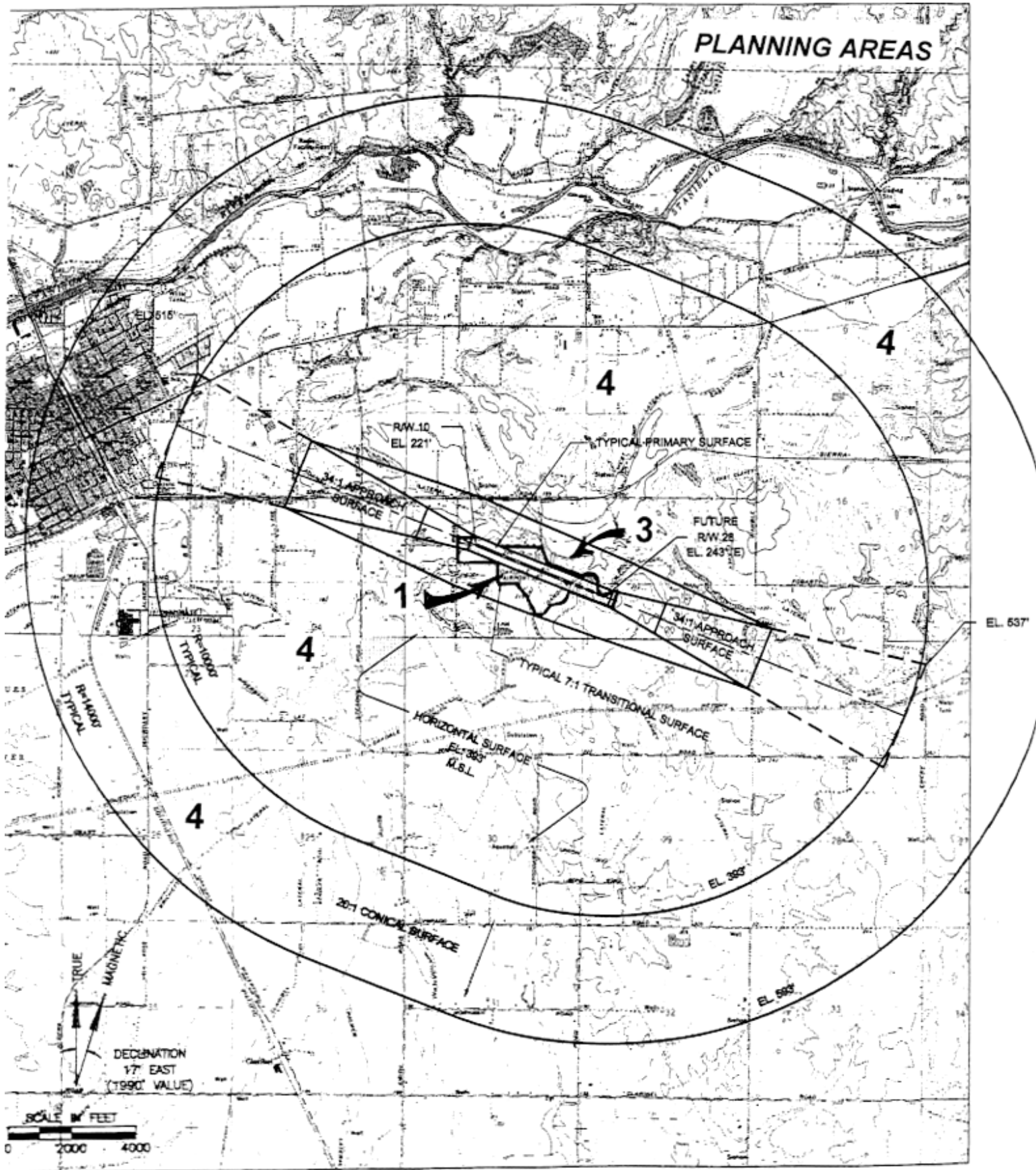
^d Permitted if in small quantities or if stored in underground tanks.

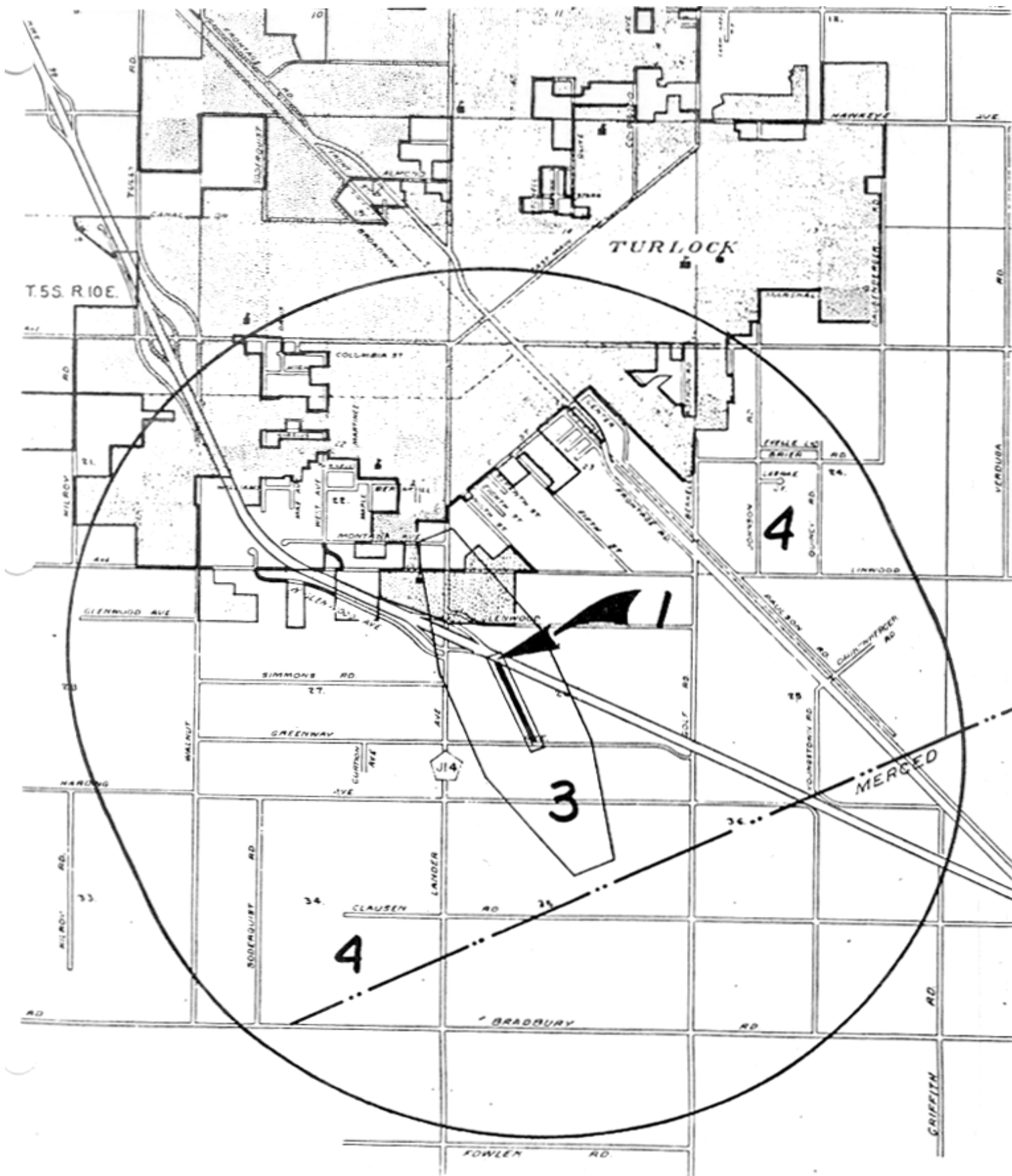
^e Portion of ITZ for Runway 10R-28L designated LDR and zoned R-1 may be developed to R-1 densities; balance of area south and/or west of River Road not in the City of Ceres may be developed at a maximum density of 4.0 du/gross acre.

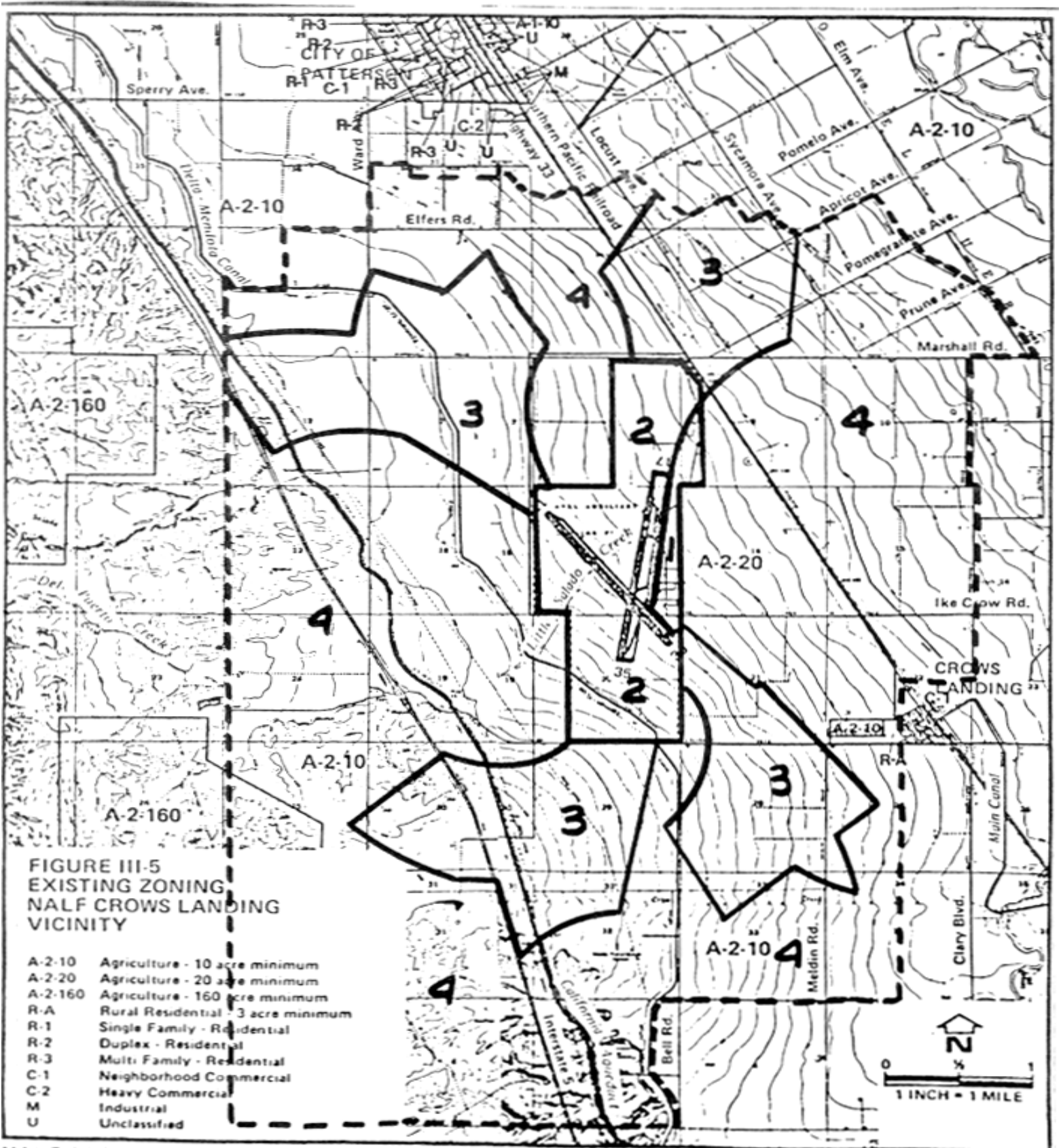
^f Densities may be transferred from OSZ to portions of same or adjacent property in TPZ; density on portions of property receiving transferred units may exceed density limit of VLDR but may not exceed 6 du/gross acre.

^g 30% required within the 500-foot wide strip along center line extended in OSZ.

^h Some portions (Very Low Density Residential 5.0 du/gross acre), generally closer to ITZ and OSZ, may have residential densities lower than maximum permitted in TPZ.







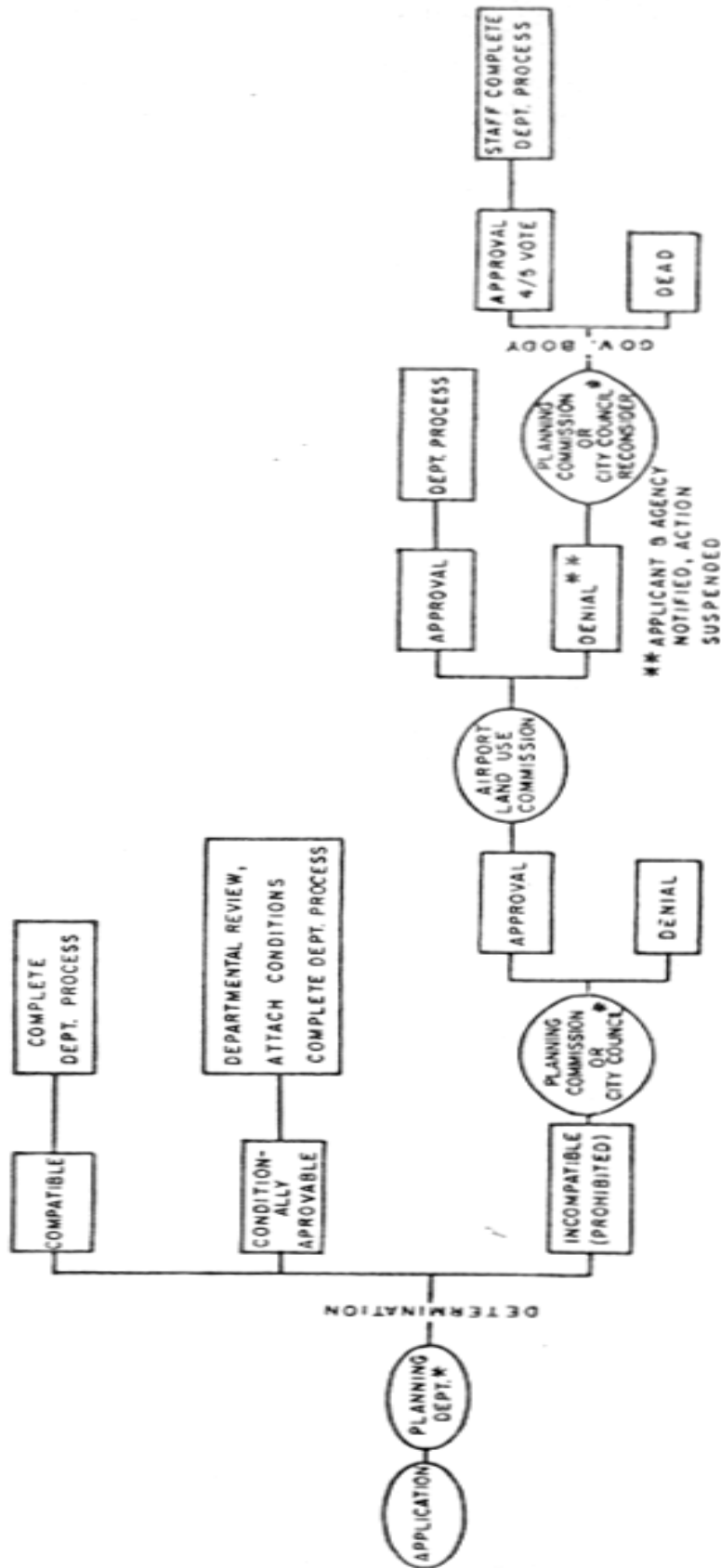
NALF CROWS LANDING

Implementation

The implementation of the Airport Land Use Plan lies with the cities of Ceres, Modesto, Oakdale, Patterson, and the County of Stanislaus. The procedures which will be followed by both the applicant and the agencies involved in implementing this Plan are as follows:

1. Uses permitted by appropriate agency and permitted by Plan: To be handled within appropriate department following regular procedures.
2. Use permitted by appropriate agency and conditional under Airport Land Use Plan: To be handled administratively by appropriate department review using attached Conditions listing.
3. Uses not permitted by Airport Land Use Plan: If an agency approves a use which in the opinion of the ALUC is inconsistent with their Plan, the ALUC will hold a public hearing to determine whether the action by the agency would be in the best interest of the airport and the adjacent area. If the action is found to be harmful, the Commission shall notify the agency and applicant. The validity of the action by the agency is suspended pending action by the governing body, and the agency shall have another hearing to reconsider its action. If, as a result of the agency hearing, the governing body wishes to overrule the Commission, it may do so by a four-fifths vote. Such action by the governing body would restore the validity of any action suspended by the ALUC under this procedure.

This procedure is graphically depicted on the following page.



* APPROPRIATE JURISDICTION

CONDITIONS AREAS 1 AND 2 (AIRPORT BUILDING AREA & AIRPORT PROPERTY)

GENERAL STATEMENT

1. Usage should be airport oriented or be compatible with airport location.
2. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.
3. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
4. No electromagnetic transmissions which would interfere with operation of aircraft.
5. All bulk storage of volatile or flammable liquid should be underground.
6. Lights for any purpose shall be constructed and used in such a manner as not to create a hazard for pilots or air traffic control.

COMMERCIAL USES

Hotels, motels, shopping centers, office buildings, retail stores, restaurants and other service uses:

1. Should have reason for location (i.e., serve traveling public) and be constructed in such a way as to not create a nuisance.
2. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
3. Should locate flashing and animated signs or lights in such a manner as to not create a hazard for approaching pilots.

INDUSTRIAL USES

Research laboratories, non-air related manufacturing, petroleum and chemical products bulk storage:

1. All bulk storage of volatile or flammable liquids or substances to be underground.
2. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.
3. No electromagnetic transmissions which would interfere with operation of aircraft.
4. Avoid orienting lights or paved area in such a manner as to appear to be an aircraft landing area.

UTILITIES

Reservoirs, Water Treatment and Sewage Disposal Plants:

1. Should have reason for location and be constructed in such a way as to not create nuisance.

Electrical Plants:

1. Except for small emergency power plants located adjacent to buildings, electrical plants should be undergrounded if of sufficient height and placement as to be a possible hazard to aircraft.

Power Lines:

1. Should be undergrounded if of sufficient height and placement as to be a possible hazard to aircraft.

CONDITIONS AREA 3 (APPROACH AND CLIMB-OUT EXTENSIONS)

GENERAL STATEMENT:

1. Usage should be compatible with airport location.
2. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
3. No electromagnetic transmissions which would interfere with operation of aircraft.
4. All bulk storage of volatile or flammable liquid be underground.
5. An avigational easement shall be required for uses.
6. Lights for any purpose shall be constructed and used in such a manner as not to create a hazard for pilots or air traffic control.

AGRICULTURAL USES

Greenhouses, poultry farms, dairy farms:

1. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.

COMMERCIAL USES

Office buildings, public buildings, restaurants and food take-outs, retail stores and other service uses:

1. Should have a viable reason for location (i.e., serve other uses in the area of the traveling public) and be constructed in such a way as to not create a hazard or nuisance.
2. Should locate flashing and animated signs or lights in such a manner as to not create a hazard for approaching pilots.

INDUSTRIAL

Research laboratories, aircraft factories, non-air manufacturing, petroleum and chemical products bulk storage:

1. All bulk storage of volatile or flammable liquids of substances to be underground.
2. Avoid orienting lights or paved area in such a manner as to appear to be an aircraft landing area.

UTILITIES

Petroleum and chemical products bulk storage, electrical plants and power lines:

1. All bulk storage of volatile or flammable liquids or substances to be underground.
2. Power lines should be undergrounded if of sufficient height and placement as to cause a hazard to aircraft.

CONDITIONS AREA 4 (OTHER LAND IN THE PLANNING AREA)

GENERAL STATEMENT:

1. Usage should be airport oriented or be compatible with airport location.
2. Non-reflective materials to be used in buildings and signs where reflection would cause a flying hazard.
3. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
4. No electromagnetic transmissions which would interfere with operation of aircraft.
5. All bulk storage of volatile or flammable liquid be underground.
6. Lights for any purpose shall be constructed and used in such a manner as not to create a hazard for pilots or air traffic control.

RESIDENTIAL AND INSTITUTIONAL

Schools, Colleges and Universities:

1. Located out of flight areas.
2. Location to be approved by the State Board of Education.
3. Soundproofing where appropriate to reduce noise to acceptable level according to State guidelines.
4. No electromagnetic transmissions which would interfere with operation of aircraft.

POLICIES PLAN

It shall be the policy of the Stanislaus County Airport Land Use Commission to:

1. Encourage local jurisdictions to develop land use plans in the vicinity of airports which provide for compatible land uses and promote air commerce.
2. Encourage all affected jurisdictions to develop and adopt height restrictions within the ALUC planning area.
3. Encourage owners and operators of airports to develop plans for designating minimum clear widths and for controlling approach air space.
4. Discourage owners and operators of airports and governmental jurisdictions from locating new uses that concentrate large numbers of people (i.e., schools, hospitals, shopping centers, high intensity recreational uses, etc.) and commercial and industrial uses that involve the handling of corrosive, explosive or flammable materials under Federal Aviation Regulation Part 77 approach surfaces and extended approach surfaces within the planning area.
5. Encourage owners and operators of airports and governmental jurisdictions to implement a plan for relocating existing uses which fall into the categories cited above. If this cannot be accomplished, the Commission shall encourage the airport operators to design flight patterns which will bypass the conflicting uses.
6. Advise against the establishment of any use within the planning area which will:
 - Create electrical interference with navigational signals or radio communications between the aircraft and airport;
 - Make it difficult for pilots to distinguish between airport lights and others;
 - Result in glare in the eyes of pilots using the airport;
 - Impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft intending to use the airport; or,
 - Permit structures or trees to a height in excess of established height limitations.
7. Encourage all affected jurisdictions to develop and adopt a noise attenuation plan for noise impacted areas within the ALUC planning area.
8. Encourage owners and operators of airports with less than the minimum length runway as recommended by the State Division of Aeronautics to expedite plans to lengthen runways to the recommended length.
9. Encourage jurisdiction to make sure that when a land use changes, it would change from an incompatible use to a compatible one.
10. In the interim to a comprehensive update of the ALUC Plan, local jurisdictions are encouraged to develop land use plans consistent with criteria outlined in the California Department of Transportation Division of Aeronautics Airport Land Use Planning Handbook. Plans, policies, and projects developed and approved by a public entity which are determined to be consistent with criteria outlined in the Handbook will be considered consistent with the adopted Stanislaus County Airport Land Use Commission Plan.

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APPENDIX A

CALIFORNIA PUBLIC UTILITIES CODE CHAPTER 4. AIRPORTS AND AIR NAVIGATION FACILITIES ARTICLE 3.5 AIRPORT LAND USE COMMISSION

Section

- 21670. Creation; membership; selection.
- 21670.1 Action by designated body instead of commission.
- 21670.2 Applicability to Los Angeles County.
- 21670.3 Applicability to San Diego County.
- 21670.4 Applicability to intercounty airports.
- 21671. Airport owned by city, district or county; appointment of certain members by cities and counties.
- 21671.5 Term of office; removal of members; vacancies; compensation; staff assistance; meetings.
- 21672. Rules and regulations.
- 21673. Initiation of proceedings for creation by owner of airport.
- 21674. Powers and duties.
- 21674.5 Role of Department of Transportation in training airport land use commission staff, commissions, cities, counties and other public entities.
- 21674.7 Airport Land Use Planning Handbook.
- 21675. Land use compatibility plan.
- 21675.1 Interim actions prior to adoption of land use compatibility plan.
- 21675.2 Time period for airport land use commission response.
- 21676. Review of local general plans, local specific plans, and airport master plans by airport land use commission.
- 21676.5 Airport land use commission review of local development projects.
- 21677 Local overrule of airport land use commission in Marin County.
- 21678 Immunity for airports when local agency overrules airport land use commission.
- 21679 Delay of local agency actions within one mile of an airport when no airport land use commission has been designated.
- 21679.5 Exemption from 21679 if substantial progress is being made toward completion of land use compatibility plan.

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

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

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

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

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

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

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

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

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

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

(e) A person having an "expertise in aviation" means a person who, by way of education,

training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

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

(b) A body designated pursuant to subdivision (a) which does not include among its membership at least two members having an expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that 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), 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 of 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 an airport land use compatibility 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 Airports Program (Title 21 (commencing with Section 4050) of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility 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 the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2 (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 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 compatibility 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 airport land use compatibility plans are adopted.

21670.3. (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 comprehensive land use plan adopted pursuant to Section 21675, adopt a comprehensive land use plan.

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

21671.5.(a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body 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 operating expenses of the commission shall be a county charge.

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

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members

shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that 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 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, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility 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. 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. In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors. 21674. 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. (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 airport land use planning boundaries.
- (3) The identification of essential elements that 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 to commission staff and for which it determines there is a need for staff training or development.

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

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

21674.7. (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 as 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. (a) Each commission shall formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating a land use plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the planning area. The comprehensive land use plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission shall include, within its plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The 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 planning boundaries shall be established by the commission after hearing and consultation with the involved agencies.

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

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

21675.1. (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 that 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 a study area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

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

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

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this

subdivision, the time limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

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

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

21676. (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 public 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 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 agency governing body. The public agency governing body shall include comments from the commission and the division in the 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. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the 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 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. 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 agency 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. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 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.

21679. (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use 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 that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that 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), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that 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. (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility 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 airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility 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 compatibility 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.

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